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GOVERNMENT OF GOA

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GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Education

Notification

DE/Acad/Misc./Amendment-Rule/2015

The following draft rules which are proposed
to be made so as to further amend the Goa,

Daman and Diu School Education Rules, 1986
are hereby pre-published as required by sub-
section (1) of section 29 of the Goa, Daman
and Diu School Education Act, 1984 (Act No.
15 of 1985), for information of the persons likely
to be affected thereby and notice is hereby
given that the said draft rules will be taken
into consideration by the Government on the
expiry of fifteen days from the date of
publication of this Notification in the Official
Gazette.

All objections and suggestions to the said draft rules may be forwarded to the Director, Directorate of Education, Government of Goa, Porvorim-Goa, before the expiry of the said period of fifteen days so that they may be taken into consideration at the time of finalization of the said draft rules.

DRAFT RULES

In exercise of the powers conferred by section 29 of the Goa, Daman and Diu School Education Act, 1984 (Act No. 15 of 1985) and all other powers enabling it in this behalf, the Government of Goa hereby makes the rules so as to further amend the Goa, Daman and Diu School Education Rules, 1986, as follows, namely:—

1. *Short title and commencement.*—
(1) These rules may be called the Goa School Education (Amendment) Rules, 2016.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. *Amendment of rule 88.*— In rule 88 of the Goa, Daman and Diu School Education Rules, 1986, in sub-rule (1), in the proviso,—

(i) for the words “shall be granted extension”, the words “may be re-employed” shall be substituted;

(ii) for the words “such extension”, wherever they occur, the words “such re-employment” shall be substituted.

By order and in the name of the Governor of Goa.

G. P. Bhat, Director (Education).

Porvorim, 11th April, 2016.

Corrigendum

DE/Acad/Amendment Rule/2012/831

In the Government Notification No. DE/Amendment 2012-13/3610 dated 6th March, 2013, published in the Official Gazette, Series I No. 50 dated 14th March, 2013, the

expression “Goa School Education (Amendment) Rules, 1986” may be read as “Goa School Education (Amendment) Rules, 2013”.

By order and in the name of the Governor of Goa.

G. P. Bhat, Director (Education).

Porvorim, 11th April, 2016.

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Goa Legislature Secretariat

Notification

LA/QB/SC/2016/63

The following Report of Select Committee on “The Goa Succession, Special Notaries and Inventory Proceeding Bill, 2012 (Bill No. 13 of 2012) (As reported by the Select Committee) laid in the Legislative Assembly of the State of Goa on 18th March, 2016 is hereby published for general information in pursuance of Rule-231 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

Ligia Godinho, Under Secretary (Legislature).

Porvorim, 12th April, 2016.

SIXTH LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

Report

of the

Select Committee on Bill No. 13 of 2012
The Goa Succession, Special Notaries
and Inventory Proceeding Bill, 2012

Presented to the House on 18th March,
2016

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL,
Porvorim-Goa

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COMPOSITION

The Select Committee on Bill No. 13
The Goa Succession, Special Notaries
and Inventory Proceeding Bill, 2012

CHAIRMAN

Shri Manohar Parrikar,
Hon'ble Chief Minister

MEMBERS

2. Adv. Francis D'Souza,
Hon'ble Minister for Revenue
3. Shri Pratapsingh R. Rane,
Hon'ble Leader of Opposition
4. Shri Digambar Kamat
5. Shri Aleixo R. Lourenco
6. Shri Caetano Silva
7. Shri Ganesh Gaonkar
8. Dr. Pramod Sawant

LEGISLATURE SECRETARIAT

1. Shri N. B. Subhedar, Secretary
2. Smt. Ligia Godinho, Under Secretary
3. Shri J. C. Pereira, Section Officer

GOVERNMENT SECRETARIAT

1. Shri S. G. Marathe, Joint Secretary (Law).
2. Shri P. S. Bodke, Registrar (Notaries).

COMPOSITION

The Select Committee on Bill No. 13
The Goa Succession, Special Notaries
and Inventory Proceeding Bill, 2012.

CHAIRMAN

Adv. FRANCIS D'SOUZA

Hon'ble Deputy Chief Minister and the Law Minister
MEMBERS

2. Shri Avertano Furtado,
Hon'ble Fisheries Minister
3. Shri Pratapsingh R. Rane,
Hon'ble Leader of Opposition
4. Shri Digambar Kamat
5. Shri Aleixo R. Lourenco
6. Shri Caetano Silva
7. Shri Ganesh Gaonkar
8. Dr. Pramod Sawant

LEGISLATURE SECRETARIAT

1. Shri N. B. Subhedar, Secretary
2. Smt. Ligia Godinho, Under Secretary
3. Shri J. C. Pereira, Section Officer

GOVERNMENT SECRETARIAT

1. Shri Sudhir Mahajan, Secretary (Law)
2. Shri S. G. Marathe, Joint Secretary (Law)
3. Shri P. S. Bodke, Registrar (Notaries)

** Shri Manohar Parrikar, Chairman of the then Select Committee being inducted as Union Minister for Defence in the Central Government, the then Honourable Speaker has nominated Adv. Francis D'Souza, Hon'ble Deputy Chief Minister and the Law Minister as the Chairman of the Select Committee and Shri Avertano Furtado, Minister for Fisheries in place of Adv. Francis D'Souza.*

INTRODUCTION

I, the Chairman of the Committee on— The Goa Succession, Special Notaries and Inventory Proceeding Bill, 2012 (Bill No. 13 of 2012), having been authorized by the Committee, present this Report of the Committee.

The Report was considered and adopted by the Committee at its meeting held on 17th March, 2016.

Porvorim-Goa
17th March, 2016.

Francis D'souza
Chairman

REPORT OF THE SELECT COMMITTEE

I, the Chairman of the Select Committee to which the Bill No. 13 of 2012 — The Goa Succession, Special Notaries and Inventory Proceeding Bill, 2012 was referred having being

authorized by the Committee to submit the report on its behalf present its report as recommended by the Committee.

The Bill was introduced in the Sixth Legislative Assembly of Goa on 1-8-2012 and during the consideration stage on 6-8-2012 it was referred to the Select Committee comprising of the following Members:—

1. Shri Manohar Parrikar, Chief Minister
2. Adv. Francis D'Souza, Minister for Revenue
3. Shri Pratapsingh R. Rane, Leader of Opposition, Member
4. Shri Digambar Kamat, Member
5. Shri Aleixo R. Lourenco, Member
6. Shri Caetano Silva, Member
7. Shri Ganesh Gaonkar, Member
8. Dr. Pramod Sawant, Member

The Select Committee was again reconstituted under the Chairmanship of Adv. Francis D'Souza, Deputy Chief Minister and Law Minister by Shri Rajendra Arlekar, then Hon. Speaker on 27-3-2015 as Shri Manohar Parrikar, the then Hon. Chief Minister and the Law Minister also then Chairman was inducted as the Union Minister for Defence, Government of India including the following Members:

1. Adv. Francis D'Souza, Dy. Chief Minister, Chairman
2. Shri Avertano Furtado, Minister for Fisheries, Member
3. Shri Pratapsingh R. Rane, Leader of Opposition, Member
4. Shri Digambar Kamat, Member
5. Shri Aleixo R. Lourenco, Member
6. Shri Caetano Silva, Member
7. Shri Ganesh Gaonkar, Member
8. Dr. Pramod Sawant, Member

During the meeting held on 1-12-2015 Shri Pratapsingh R. Rane, (Leader of Opposition) Member of the Select Committee sought certain clarifications from the Law Department Officers on the following:

(i) Marriages registered in other parts of India is not registered in Goa and the reason for transcription of the said marriages in Goa; and

(ii) The reason why only a male member of the family becomes the Administrator of the family?

The Select Committee directed the Joint Secretary (Law) to verify the legal validity of both these objections as Goa and other parts of India are governed by different Succession laws.

During the meeting held on 1-3-2016 the Joint Secretary (Law) informed the Committee that marriages registered outside the State of Goa has to be transcribed in Goa and need not be registered again as the Code of Civil Registration is unique to the State of Goa.

Article 245 of Code of Civil Registration provides that—

“The registration of marriages of Portuguese born in Portuguese State of India, performed abroad before the foreign authorities, in terms of Art. 58 of the said Decree No. 1 dated 25-12-1910, shall be transcribed in this State in view of the documents' legally necessary when they do not contrary the principles of Portuguese Public Law, within 3 months after their celebration or within 30 days from the return of both or at least one of the spouses to the country, on the pain of not producing any effects in the territory of the Republic. Regarding the marriages before the Portuguese Authorities, what is provided in Art. 60 of the said Decree and in Arts. 37, 40, No. 1 and 40 of this Code, shall be observed.”

As regards the male member of the family becoming the Administrator of the family, it was further informed that clause 68 at page 27 of the Bill clearly states—

“that children and their descendants succeed to their respective parents and other ascendants without discrimination of sex or age.”

The Select Committee further decided to invite objections/suggestions from the public, media and lawyers by 31-12-2015. Accordingly, a press note inviting objections/suggestions on the Bill was issued in the local newspapers.

The Committee during its sitting held on 1-3-2016 it was decided to send the objections/suggestions, received from Adv. Gajendranath R. Usgaonkar, Adv. F. E. Noronha supported by Adv. Antonio J. B. Lobo, Adv. Yemane D'Souza, Adv. Sharon Lobo, Adv. Jose D'Souza, Adv. Manda Sutar, Adv. Fortunato de Melo, Adv. Sweta Sawant, to the Drafting Committee for ready reference and call the Drafting Committee for the next sitting.

The Drafting Committee comprising of Senior Advocates were called for the sitting with the Select Committee held on 12 March 2016. The Drafting Committee has submitted their comments to the objections/suggestions by the lawyers to the Select Committee rejecting the objections as raised by it.

The Select Committee recommended that the Bill being drafted by eminent lawyers of the State and that nobody can question their efforts and ability to frame a Law finalized the Report by retaining it as it is after the following minor changes to be carried in the Bill:—

(1) In clause 430 (5) on page 169 line (9) after the words 'assets to them subject to the' and before the words 'decision passed in appeal, if any' the words '*homologation of the Partition*' may be inserted; and

(2) In clause 438(2) (d) on page 175 line 30 after the words 'if he fails to pay' and before the words 'the licitation shall stand' the words 'or deposit,' may be inserted.

The Select Committee is very much thankful to Sr. Adv. M. S. Usgaonkar, Adv. Dr. Alvaro Noronha Ferreira, Adv. Dr. Fernando J. Colaco, Adv. Mario Bruto da Costa, Adv. Aires Pinto Furtado, Adv. William D'Costa, Shri V. P. Shetye, Legal Advisor, Adv. Albertina Almeida, Shri P. V. S. Sardesai, Member Secretary, Shri Sudhir Mahajan, Secretary (Law), Shri Sharad G. Marathe, Joint Secretary (Law), Shri P. S. Bodke, Registrar (Notaries) for valuable guidance during the deliberations of the Committee. The Select Committee places on record its deep appreciation for the efforts put in by Shri N. B. Subhedar, Secretary (Legislature), Smt.

Ligia Godinho, Under Secretary (Legislature), Shri J. C. Pereira, Section Officer, Smt. Seema Kakodkar, Sr. Assistant and the officials of the Legislature Secretariat for their cooperation.

The Committee held its sittings on 1-12-2015, 1.3.2016 and 12-3-2016 to examine the Bill in detail.

The minutes of the sittings of the Select Committee are at Appendices-I to IV.

The objections/suggestions received from Adv. F. E. Noronha supported by Adv. Antonio J. B. Lobo, Adv. Yemane D'Souza, Adv. Sharon Lobo, Adv. Jose D'Souza, Adv. Manda Sutar, Adv. Fortunato de Melo, Adv. Sweta Sawant, and Adv. Gajendranath R. Usgaonkar are at Annexure-I.

The comments furnished by the Drafting Committee on the suggestions objections received by the Select Committee are at Annexure-II.

The Select Committee considered and adopted its report during its sitting on 17-3-2016.

17th March, 2016. *Francis D'souza*
Dy. Chief Minister
Minister for law
Chairman

Select Committee on the Goa
Succession, Special Notaries
and Inventory Proceeding Bill, 2012

APPENDIX-I

Minutes of the Meeting of Select Committee on
Bill No. 13 of 2012 ñ The Goa Succession,
Special Notaries and Inventory Proceeding
Bill, 2012
Held on 01-12-2015

The meeting of the Select Committee on Bill No. 13 of 2012. The Goa Succession, Special Notaries and Inventory Proceeding Bill, 2012, was held on 01-12-2015 at 3.30 p.m. in the P. A. C. room, Assembly Complex, Porvorim, Goa.

The following were present:—

CHAIRMAN

Adv. Francis D'Souza, Hon. Dy. Chief Minister.

MEMBERS

1. Shri Pratapsingh R. Rane, Hon. Leader of Opposition
2. Shri Aleixo Reginaldo Lourenco, MLA
3. Shri Ganesh Gaonkar, MLA

LEGISLATURE SECRETARIAT

1. Shri N.B. Subhedar, Secretary (Legislature)
2. Smt. Ligia Godinho, Under Secretary (Legislature)
3. Shri J.C. Pereira, Section Officer (Legislature)

SECRETARIAT

1. Shri Sudhir Mahajan, Secretary (Law)
2. Shri S. G. Marathe, Joint Secretary (Law)
3. Shri P. S. Bodke, Registrar (Notaries)

At the outset the Chairman, Shri Francis D'Souza, Hon. Dy. C. M. welcomed the Members/Officials and informed the Legislature Officials to call for objections/suggestions from the public on the Bill by giving advertisement on local dailies.

2. Shri P. R. Rane Hon. Leader of Opposition raised the objections on the following points:

(i) Marriage registered in other parts of India is not recognized in Goa and the reason for transcription of the said marriages in Goa?

(ii) The reason why only a male member of the family becomes the Administrator of the family?

3. The Committee clarified that the marriages registered outside Goa has to be transcribed in Goa and need not to be registered again as the Civil Code is unique to the State of Goa. Shri Pratapsingh R. Rane, requested to consider his objection.

4. On second objection, the State Registrar and Joint Secretary (Law) highlighted that in the Code itself on page 27 and section 68 it is already clarified that - "Children and their descendants succeed to their respective parents and other ascendants, without distinction of sex or age".

5. The Chairman desired that the last date for the objections/suggestions should be latest by 31-12-2015 and also instructed that the suggestions which have been already recorded need not to be considered again. As far as the objections raised by the Hon. Leader of Opposition, the Chairman directed the Joint Secretary (Law) to verify the legal validity of both the objections as Goa and other parts of India is governed by different Succession laws.

The meeting then adjourned its sitting at 4.40 p.m.

APPENDIX-II

Minutes of the Meeting of Select Committee on Bill No. 13 of 2012 ó The Goa Succession, Special Notaries and Inventory Proceeding Bill, 2012

Held on 01-03-2016

The meeting of the Select Committee on Bill No. 13 of 2012— The Goa Succession, Special Notaries and Inventory Proceeding Bill, 2012, was held on 01-03-2016 at 3.30 p.m. in the P.A.C. room, Assembly Complex, Porvorim, Goa.

The following were present:—

CHAIRMAN

Adv. Francis D'Souza, Hon. Dy. Chief Minister

MEMBERS

2. Shri Pratapsingh R. Rane, Hon. Leader of Opposition
3. Shri Caetano Silva, MLA
4. Shri Ganesh Gaonkar, MLA

LEGISLATURE SECRETARIAT

1. Shri N.B. Subhedar, Secretary (Legislature)
2. Smt. Ligia Godinho, Under Secretary (Legislature)
3. Shri J.C. Pereira, Section Officer (Legislature)

SECRETARIAT

1. Shri Sudhir Mahajan, Secretary (Law)
2. Shri S. G. Marathe, Joint Secretary (Law)
3. Shri P. S. Bodke, Registrar (Notaries)

The Committee decided to forward all the objections/suggestions received from Public/Lawyers to the Drafting Committee of the Bill for their ready reference and their comments.

The next meeting was fixed on 12-03-2016 at 11.00 a.m.

(The meeting then adjourned its sitting at 4.05 p.m).

APPENDIX-III

Minutes of the Meeting of Select Committee on Bill No. 13 of 2012 ó The Goa Succession, Special Notaries and Inventory Proceeding Bill, 2012

held on 12-03-2016

A meeting of the Select Committee on- The Goa Succession, Special Notaries and Inventory

Proceeding Bill, 2012 was held on 12-03-2016 at 11.00 a.m. in the Committee Room, Assembly Complex, Porvorim, Goa.

The following were present:—

CHAIRMAN

Adv. Francis D'Souza, Hon. Dy. Chief Minister

MEMBERS

2. Shri Pratapsingh R. Rane, Hon. Leader of Opposition
3. Shri Aleixo R. Lourenco
4. Shri Ganesh Gaonkar

LEGISLATURE SECRETARIAT

1. Shri N.B. Subhedar, Secretary
2. Smt. Ligia Godinho, Under Secretary
3. Shri J. C. Pereira, Section Officer (Legislature)

SECRETARIAT

1. Shri Sudhir Mahajan, Secretary (Law)
2. Shri S. G. Marathe, Joint Secretary (Law)
3. Shri P. S. Bodke, Registrar (Notaries)

DRAFTING COMMITTEE

1. Shri M. S. Usgaonkar, Sr. Advocate, Vice Chairman
2. Dr. Alvaro Noronha Ferreira, Advocate, Member
3. Dr. Fernando J. Colaco, Advocate, Member
4. Shri Mario Bruto da Costa, Advocate, Member
5. Shri Aires Pinto Furtado, Advocate, Member
6. Shri William D'Costa, Advocate, Member
7. Shri Filomeno Reis, Advocate, Member
8. Shri V. P. Shetye, Legal Advisor
9. Ms. Albertina Almeida, Advocate, Member
10. Shri P. V. S. Sardesai, Member Secretary.

The Committee after deliberation, decided that since the Bill was drafted by the eminent Lawyers of the State and nobody can question their efforts and ability to frame Law, the Committee finalized the report by retaining it as it is after carrying out minor changes in the Bill:—

(i) In clause 430(5) on page 169 line 9 after the words 'assets to them subject to the, and before the words 'decision passed in appeal, if any' the words 'homologation of the Partition' may be inserted; and

(ii) In clause 438(2) (d) on page 175 line 30 after the words 'if he fails to pay' and before the words 'the licitation shall stand' the words 'or deposit' may be inserted.

The Chairman thanked all the Members of the Drafting Committee for sharing their precious time

to draft the Bill. He also thanked the Committee Members for smooth functioning of the meetings.

(The meeting then adjourned its sitting at 11.40 a.m)

APPENDIX-IV

Minutes of the Meeting of Select Committee on Bill No. 13 of 2012 ó The Goa Succession, Special Notaries and Inventory Proceeding Bill, 2012 held on 17-03-2016

A meeting of the Select Committee on— The Goa Succession, Special Notaries and Inventory Proceeding Bill, 2012 was held on 17-03-2016 at 12.40 p. m. in the Committee Room, Assembly Complex, Porvorim, Goa.

The following were present:—

CHAIRMAN

Adv. Francis D'Souza, Hon'ble Deputy Chief Minister

MEMBERS

Shri Avertano Furtado, Hon'ble Fisheries Minister
Shri Pratapsingh R. Rane, Hon'ble Leader of Opposition
Shri Digambar Kamat
Shri Aleixo R. Lourenco
Shri Caetano Silva
Shri Ganesh Gaonkar
Dr. Pramod Sawant

LEGISLATURE SECRETARIAT

1. Shri N. B. Subhedar, Secretary
2. Smt. Ligia Godinho, Under Secretary

The Committee considered and adopted the Draft Report on 'The Goa Succession, Special Notaries and Inventory Proceeding Bill, 2012.

ANNEXURE-I

Objections/Suggestion

To

The Goa Succession, Special Notaries and Inventory Proceeding Bill, 2012

By

Shri Gajendranath R. Usgaonkar
Advocate

Preliminary objection:

1. That Bill as drafted consolidating three issues such as Succession, Special Notaries and Inventory Proceeding should be avoided in as much as that succession is substantial law and Inventory proceeding is procedural law.

2. Therefore, the only Bill which will be an Act later on should be only on succession and should be named as “The Goa Succession Bill, 2016” be drafted laying down substantive and procedural law, which popularly known as “Inventory proceeding” have to be brought laying down the procedure under ‘Goa Succession (Inventory proceeding) Rules, 2016’. This will avoid confusion created by the present Bill. This has to be done skillfully and clear cut procedure has to be laid down prescribing various forms and manner to conduct proceeding in order to reach benefit of succession law to general public. The present situation in the courts with regards to the Inventory proceeding is so confusing that each Court follows its own procedure.

3. The present Bill has to go radical change as now proper translation of the Portuguese Civil Code, 1867 done by the Goan translator, however, presently translation made at Portugal is available and same is in circulation.

Objection No. 1

1. Part-I General provisions need to be changed and it is suggested that same should be limited to Succession only and therefore, its applicability, Definitions have to be limited to the Succession part of it.

2. Part-II deals with various type of successions and same has not be arranged properly and the arrangement of section needs total change so that its interpretation and understanding become easy for common man, Advocates and Judges.

3. The pattern followed by the Portuguese Civil Code 1867, should be duly respected so that basic

law is not altered and lucidly brought forward by simple way.

4. For aforesaid purpose the arrangement made in Indian Succession Act would serve as basic guide and legal fraternity all over the country would be able to compare with the Indian Succession Act. In fact, first Law Commission for Goa recommended to extend Indian Succession Act to Goa.

Objection No. 2

1. Part - III “Special Notaries” be deleted as it is not keeping with the object of the Bill. The provision therein are dangerous as fraud are taking place even in sub registrar offices after taking several precaution. This is because of the system.

Objection No. 3

1. The Part IV is procedural part of succession Bill, which was covered under Portuguese Civil Procedure Code, 1939. Therefore, provisions of this procedural code have to be prescribed in forms of rules called “The Goa Succession (Inventory Proceeding) Rules, 2016”.

Objection No. 4

1. Applicability of the said act is being made under section 1, to all persons who prior to the 20th December 1961, were governed by the Code. It is not clarified whether the law applies to the properties situated in Goa and owned by the Goan or to the person outside Goa who owns properties in Goa.

Objection No. 5

1. The Seventh Schedule Article 246 of the Constitution of India enjoins upon the State Government to pass law relating to agricultural properties and Union of India reserves right to pass law in respect of other than agricultural properties and there is concurrent schedule where both have right to pass law as follows;

Entry No.	Particulars	Remark
1	2	3

Union List

- 82 Taxes on Income other than agricultural income.
- 86 Taxes on the capital value of the assets, exclusive of agricultural land, of Individuals and companies, on the capital of companies.

1	2	3
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87. Estate duty in respect of property other than agricultural land.
88. Duties in respect of succession to property other than agricultural land.

State List-II

18. Land, that is to say, right in or over land, land tenures including the relation of the landlord and tenant, and the collection of rents, transfer and alienation of agricultural land; land improvement and agricultural loan and colonization.
45. Land Revenue, including the assessment and collection of revenue, maintenance of land records, survey for revenue purpose and records of rights, and alienation of revenues.
46. Taxes on agricultural income.
47. Duties in respect of succession to agricultural land.
48. Estate duty in respect of agriculture land.

Concurrent Lists

6. Transfer of property other than Agricultural land, registration of deeds and documents.
7. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts but not including contracts relating to agricultural land.

The above provisions have to be bear in mind before going into the aspect of Succession and Inventory Bill.

Therefore, I suggest that the said Bill have to go radical change and therefore, in present form it should be rejected to avoid confusion.

Adv. Gajendranath Usgaonkar

F. E. Noronha, LL.M., Ph.D. (Law)
 Advocate,
 4th Floor, "Padmavati Towers",
 18th June Road,
 Panaji 403 001-Goa.
 Phone: (0832) 2224234.
 Email: elgarnoronha@gmail.com
 26-12-2015.

To,
 The Secretary,
 Goa Legislature Secretariat,
 Porvorim-403521.

Sub:- Suggestions regarding "The Goa Succession, Special Notaries and Inventory Proceeding Bill, 2012 (hereinafter for brevity referred to as the "Succession Bill").

1. The above mentioned Succession Bill is a commendable attempt at legislation, It consolidates the law on Succession and Inventory answering a long felt need. The Bill deserves great appreciation.

Approach is ill-conceived

2. However it is based on the erroneous ill conceived approach of removing a part of the Civil Code and enacting it as an Act.

No Public consultation on whether to do away with Civil Code

3. The objections/suggestions and public debate should have been on whether to dissect the Civil Code into ordinary Acts or not. No suggestions were taken at this stage instead the whole work was carried out in secret and suddenly a large part of the Code is being revoked and proposed as a Succession Act.

4. Nevertheless the labour invested in preparing the Succession Bill need not to go waste.

5. It is known that in addition to the Succession Bill, draft bills on Marriage, Divorce, Guardianship, Children, Private International Law and Adoption were also drafted. By adding a few more chapters like Property, Civil Capacity, Possession etc. a full Civil Code could be prepared for reasons given below which are stated without prejudice to one another.

Task is not very difficult

6. This task is not very difficult and concerned person(s) should be given clear directions. If worked upon continuously on a day to day basis it could be completed in 6 months. It could have already been done by now.

Bills on Marriage, Children, etc., not taken up

7. It is not known why the draft Bills on Marriage, Children, etc., are not being also taken up.

Concepts of the Civil Code are interlinked

8. The Civil Code is a system wherein concepts and principles of the Civil law in its different parts are inextricably interlinked since it is an integrated exposition of Civil Law; For example:—

(a) Communion of Assets affects Marriage, Property and Succession also.

(b) Bar on sale by a co-holder and principle of preference or preemption runs through Property, Succession and Matrimonial Law.

(c) The principles of Civil Capacity at the beginning of the Code affect the entire Code.

(d) The Bar on sale by parents to children affects Property and Succession Law.

Like this there are many other provisions in large numbers affecting different areas of the Code

Provisions of Bill interlined with other parts of Civil Code

9. In the Bill many legal concepts defined like,

- (i) "Absent person" Sec 2(a),
- (ii) "Assets" Sec 2(b) ,
- (iii) "Authentic Document" Sec 2(c),
- (iv) "Deaf and Dumb" Sec 2(d),
- (v) "Head of Family" Sec 2(h),
- (vi) "Interdict" Sec 2(j),
- (vii) "Inventory Proceeding" Sec 2(k),
- (viii) "Liabilities" Sec 2(m),
- (ix) "Matrimonial Regime" Sec 2(n),
- (x) "Moiety Holder" See 2(o)

belong to other areas of the Civil Code like Matrimonial Regime and Moiety Holder are from Marriage Law.

10. "Inventory" itself is something that goes beyond Succession and Inheritance. It is all over the Civil Code and Civil Procedure Code Even Head of Family arises in Matrimonial Law.

11. Though titled as a Succession Act there are sections which travel beyond Succession. For example:—

Section 249.— Eldest of the spouses to be the head of the family.— Where an inventory is instituted consequent upon divorce, separation or annulment of marriage, the head of the family shall, where the marriage is governed by the regime of community of assets, belong to the eldest spouse and where the marriage is governed by the regime of separation of assets, to the spouse who owns the assets; if there are any community assets, the eldest shall be the head of the family in respect thereof.

It can be clearly seen that the provision relates to Law of Marriage, Divorce and Separation. It is not a part of Succession Law. How it is included in Succession Bill?

12. Sec 2(e), "Deaf and Dumb" belongs to another part of Civil Code dealing with Civil Capacity.

13. Sec 2(k) "Inventory Proceeding" is defined as proceeding to partition inheritance but in Sec. 368 Inventory upon divorce, separation of annulment of marriage is dealt with.

14. Sec 372 mentions Inventory upon dissolution of Joint Family.

15. In Sec 373, "Jurisdiction" gives jurisdiction in respect of only Inventory of Inheritance not other types of Inventory.

16. Sec 375, 376, 377, 378 onwards up to the end thereafter mentions only one type of Inventory that is upon Succession.

17. Procedure for other types of Inventory is not given.

18. Sec 389 "Parties under disability", Sec 389(2), Sec 384(4) belong to another part of Civil Code dealing with disability or incapacity.

19. There is no Limitation or Prescription for the Right to claim Inheritance. Under Article 2017 read with 529 and 535 of the Civil Code it is 30 years.

20. Typical to the Portuguese law in the Civil Code is for example Sec 219: Restriction on disposition of Community assets. Now community of assets is the part of the marriage law.

21. Sec 224 Relative incapacity-disposition by adulterous spouse, this is also an incident of law of marriage/divorce and Civil Capacity.

22. Part III, Sec 296 to 365(69) sections dealing with Special Notaries should never have been part of substantive Law of Succession.

23. The above are cited only as examples, in fact the whole Law of Succession is inextricably interlinked with Marriage, Property Civil Capacity and other branches of Civil Code.

Coexistence of Succession Bill with rest of Civil Code will create chaos

24. The repealing Section No. 460 is deliberately kept vague saying that "corresponding provision of laws in force" are repealed. This will open up complete chaos.

25. If the Succession Bill is passed as it is, the legal confusion already prevailing in this State will only increase because the rest of the Civil Code still remains in force and the inter-connection between the surviving Code and the proposed Succession, Bill will create even more confusion. We are bringing in disorder instead of order.

26. This can be seen in the case law of the last 50 years where the impact of a case in various chapters of the Code can be seen. That is why in orderly advanced legal systems in the West, comprehensive Civil Codes are passed with all the Civil Law integrated together.

The Portuguese Civil Code should simply be re-codified

27. The Portuguese Civil Code should simply be updated, re-edited and re-codified as a whole, like the Cr. P. C. 1898, was updated in 1973 or the Companies Act, 1956 in 2013. But the idea of mutilating is it erroneous.

Objects and reasons apply to whole Code

28. The reasoning in the Statement of Objects and reasons namely:—

(i) need for consolidation.

(ii) the Original text is Portuguese language; hence the Courts, the members of the bar and the litigants faced practical difficulties in their application. This caused delays in disposing of cases.

(iii) The need to consolidated into one comprehensive, rational and integrated legislation, to facilitate their application and implementation by the bench, the bar and the litigants.

- holds true for the entire Code not for Succession and Inventory only.

Louisiana Code

29. Then there is reference to modern Portuguese Civil Code and the Louisiana Civil Code but Louisiana Civil Code is a full Civil Code and does not deal only with Succession.

30. If at all the example of Louisiana is to be taken the thing to note is that the state of Louisiana integrated into the United States in 1803 retained its Civil Code for the last 212 years. They did not split it into loose Acts dealing with Succession etc., etc. Although the rest of the country follows the common law system. Same is with Quebec in Canada since 1763 where Civil Code was retained and re-enacted in 1994 & 2002.

Succession Bill ignores trends of Legal History

31. Everywhere in the world countries progress from loose legislation in the civil area towards a unified and integrated Civil Code; it is a sign of progress and advancement of a nation. European nations did it in the 18th and 19th centuries and continued updating or enacting new full Civil Codes in the 20th and even in the 21st century.

32. After European countries, other countries like China, Japan, Turkey, Egypt, Syria, Iraq etc. enacted Civil Codes on western model.

Civil Code is the Legislative Aim & policy in India

33. Even British rulers from 1833 to 1882 appointed four law commissions to pass Acts which were to be combined together into a civil code. Any text book of Indian Legal History mentions it in detail.

34. This can be clearly read in the Statement of Objects & Reasons of the Easements Act, 1882 which begins as follows:—

“This Bill is intended to form part of the Indian Civil Code”

35. It is for this reason that at the time of framing of the Constitution Article 44 was included that India should also have Civil Code.

Goa has a full Code

36. Goa has a full Code i.e. a complete organized exposition of Civil Law covering General provisions, Civil Capacity Rights like Possession, Prescription etc., Family Law (Marriage, Divorce, Children) Succession, Property and provisions relating to Civil Liability and Compensation.

Codified Uniform Civil Law

37. This Code already answers the need of Article 44 of the Constitution that there should be a Uniform Civil Code. The Constituent Assembly Debates (CAD Volume 7) relating to Article 44 already indicate that what was envisaged is not mere uniform law but codified Uniform Civil Law.

38. No country in the world destroy its own Civil Code and pass Acts for individual chapters of the Code.

39. The idea is retrograde and takes the law backwards. It totally overlooks jurisprudence, legal theory, Indian and Western legal history, and legal culture. We are going backwards from car to bullock cart.

Code & Act

40. In our State the difference between Code and Act is being lost. This difference was overlooked.

41. The legislative action called an “Act” is by its very nature an occasional legislative intervention in a limited area. The British Parliament used to, intervene in the Common Law by passing an Act to rectify some major question. As the name itself indicates it was always a legislative measure of limited scope.

42. On the other hand “Code” in the Continental European law is something that evolved over many centuries based on rationalism on the assumption that all the law is based on reason and could be and should be organised in a rational manner integrating together the various sub categories like Civil Capacity, Contracts, Marriage, Succession, Property, Wrongs, Liability etc. into one integrated Civil Code.

43. Such a labourious piece of legislative integration should not dismantled unless we don’t know its meaning and value.

Uniqueness of Goa Legal System is lost

44. Once we pass the Succession bill we loose the uniqueness in India of having a Civil Code and we become like any other State or even worse.

45. The value of the Civil Code in force in Goa is not merely because it is uniform for all sections but because it is a Code. This point has been raised time and again in 2005, 2008 & 2012 and the matter was kept back for this reason. In 2008 there was a meeting of more than 1000 (one thousand) lawyers at the NIO Cardium and resolution was passed to have a full Code and not an Act.

Civil Code is distinguishing feature of Goan Identity, and Heritage

46. The integrated and unified Civil Code is an essential and distinguishing characteristic of Goan heritage, culture and identity.

47. The Civil Code has been the foundation of orderly and harmonious social life in Goa for the last 150 years.

48. If heritage and buildings cannot be destroyed but only renovated a similar principle applies to the Code which should only be updated and modernized not broken up.

ENTRY 5 OF CONCURRENT LIST

*Extending applicability of Civil Code is illegal:—**beyond Entry 5*

49. The very first ssection 1(4) seeks to widen the applicability of the Civil Code to:—

(a) Any person born in Goa of parents who are governed by the provisions of the corresponding laws in force in the rest of India provided that he chooses permanent residence in the State of Goa and he declares before the expiry of three years from the date he attains majority that he desires to be governed by this Act;

(b) Any person born in Goa of parents who are foreign citizens;

(c) Unknown parents or unknown nationality;

(d) Adopted by parents; etc.

50. The above provisions are beyond the scope of Entry 5 of Concurrent list.

51. The provisions of Article 1(4) of the Succession Bill infringe upon the law of Citizenship and nationality and cannot be enacted under Entry 5 of Concurrent list.

Whole Bill is based on illegal S.1(4)

52. If section 1(4) cannot be enacted the whole Succession Bill becomes ineffective because its very applicability is in question.

Scope of Entry 5 of Current list

53. Entry 5 of Concurrent list would apply only to person(s) who at the commencement of the Constitution is/are governed by Personal Law.

“Civil Code” not in Entry 5

54. The entries in Concurrent list nowhere mention the word Civil Code. Those entries are meant to deal with piecemeal legislation in the form of loose acts dealing with Personal law. The very enumeration of subjects; Marriage, Divorce, Minors, Adoption, Wills, Succession, Joint Family indicates that it is not meant to deal with an integrated Civil Code.

55. The expression “Personal Law” in our country means Law attached to a person by virtue of his socio-religious background and obviously it was always meant to refer to Hindu and Muslim Law.

Civil Code not intended by Constituent Assembly

56. When Entry 5 in Concurrent list was framed and enacted the Constituent Assembly never had in mind a full Civil Code.

57. The peculiar case of the Civil Code in Goa was not in the mind of Constituent Assembly.

58. The law in the Civil Code is not personal law in the sense in which term it is used in our country. Civil law in the Civil Code is national law of cosmopolitan and secular character based on citizenship of a nation. Such a law is outside the scope of entry 5 of Concurrent list.

Interference with Property Law not permissible under Entry 5

59. No entry in concurrent list allows interference with the subject of Property as such. Property is an important part of Civil Code and Succession and Marriage law are inextricably linked with the same. Succession is of properties and State Government has no power in respect of property matters.

60. Entry 6 of the concurrent list permits State Government to legislate on Transfer of property; not on property itself.

61. But even on Transfer of property legislation is Central and State Governments have not interfered. Clearly, there is vast difference between having power and exercising it.

“Civil Code” in India

62. Article 44 reads as follows:—

“The State shall Endeavour to secure for the citizens a uniform civil code throughout the territory of India”.

This itself shows that the subject of Civil Code is something that Central Government can and should handle.

63. Where there is fully integrated Civil Code the powers in the concurrent list could not be used to undo it. This is more so in view of clear provisions of Art 44 which clearly regards Civil Code as Central subject.

64. The Portuguese Civil Code was enacted by the Central Legislature or Parliament in Portugal. Although Concurrent list entry 5 gives powers, whether a full Civil Code can or should be interfered with it is questionable. More so when the same is the very subject matter Article 44 of the Constitution.

Supreme Court on Civil Code

65. Whenever Supreme Court has referred to Civil Code or to Article 44, it has always referred to Central Government and to Parliament. It has never been in anybody’s mind that Civil Code will be dealt with by a State Government. This point may be technical and arguable but it certainly looks abusive that State Government should fiddle with a full scale Civil Code inherited from a previous sovereign state. The successors to the Portuguese Government are the Union of India and the Parliament and not the State Government.

Constitution Conventions regarding Entry 5

66. There are also, besides the text of the Constitution, the Constitutional Conventions¹. Many practices in our Government and political life are not expressly and explicitly written in the Constitution but good practices are respected. Important things like powers of the President and appointment of Judges are open. The Constitution is not an encyclopedia and as it is a long.

States have very rarely legislated under Entry 5

67. Entry 5 of Concurrent list allows State Government to legislate on Succession etc. but in the rest of India State Governments by and large have not interfered with Hindu Law or Mohammedan Law. These matters by Constitutional practice and convention remain with the Central Government and are common for the whole of India.

68. As a matter of Constitutional convention and Constitutional practice, States do not interfere with matters of Concurrent list where Central Legislation prevails.

Entry 5 is a field already "Occupied" by Central Legislation

69. *Doctrine of Occupied Field*:—² The Entries in the Constitutional lists in Schedule VII only demarcate the legislative fields of the respective Legislatures and do not confer legislative power as such. This doctrine arises in relation to concurrent sphere, where both the Federal and State Legislatures have jurisdiction to legislate, under the Constitution. Where however, both relate to a Concurrent power, the question arises whether they operate in the same field, if they do, the union Law will prevail if it has "occupied the field". The doctrine of "covered field" is applied only to the entries in List III of Seventh Schedule. The concept of "occupied the field" is relevant in the case of laws made with reference to entries in List III. Though there may not be any direct conflict between the Union and the State Legislation, where it is evident that the Union Parliament intended its legislation to be a complete and exhaustive code, relating to the subject, it shall be taken that the Union law has replaced State legislation to the subject.

70. Whether a State law is repugnant to a law made by Parliament. The Supreme Court has considered the question of repugnancy in 3 several cases and in *Deepchand v. U.P.*³:—

"Nicholas in his *Australian Constitution*, 2nd Edition, Page 303, refers to tests of inconsistency or repugnancy: Though there may be no direct conflict, a state law may be inoperative because the Commonwealth law, or the award of the Commonwealth Court, is intended to be complete exhaustive code and even in the absence of intention, a conflict may arise when both State and Commonwealth seek to exercise their powers over the same subject-matter. This Court in *Ch. Tika Ramji v. U.P.* accepted the said three rules, among others, as useful guides to test the question of repugnancy. In *Zaverbhai Amaldas v. Bombay* this Court laid down a similar test. At page 807, it is stated:

'This principle embodied in section 107(2) and Article 254(2) is that when there is legislation covering the same ground both by the Centre and by the Province, both of them being competent to enact the same, the law of the Centre should prevail over that of the State'.

Whether Parliament intended to lay down an exhaustive code in respect of the subject-matter replacing the Act of the State Legislature and whether the law made by Parliament and the law made by the State Legislature occupy the same field.

71. This is for the purpose of submitting that the very idea of interfering with the western model of Civil Code is most inappropriate.

Civil Code is work for trained Jurists

72. In Portugal the Civil Code was under revision for 22 years from 1944 to 1966. The country's most eminent jurists took part in it and it involved at least two generations of jurists.

73. In all other countries only jurists handle the work of dealing with a Code because it involves a deep theoretical, conceptual, overview of the Civil Law, Legal theory and History.

¹ Basu D. D. "Commentary on Constitution of India" Wadhwa and Nagpur, 8th Edition 2007 Vol. I Page 74.

³ Seervai H. M. "Constitutional Law of India" N. M. Tripathi Private Ltd., Bombay Sweet & Maxwell Ltd., London, 3rd Edition, Vol I, Page 98: (1959) Supp. 2 S.C.R. 8, (59) A.S.C. 648.

74. Due to short time of two weeks given this is a limited presentation. The undersigned may be allowed to submit further objections supplementary to the above.

75. To conclude: the Succession Bill however may be integrated in a full consolidated Civil Code, alongwith Civil Capacity, Marriage, Divorce, Children, Guardianship, Property, Possession, Civil liability, etc. for the reasons given in earlier paragraphs.

Yours faithfully,

F. E. NORONHA
Mob: 94224388009

ANNEXURE-II

Broad Comments of the Committee on the Objections to the Bill

Objections by Mr. Gajendranath R. Usgaonkar:

Mr. Gajendranath suggests that there is need of separating Succession (substantive) from Inventory Proceeding (procedural). Contradicting himself he contends that “the arrangement made in the Indian Succession Act would serve as a basic guide”. He ignores that the Indian Succession Act contains both substantive law (sections 1 to 191) and procedural law (sections 192 to 390). The procedural provisions are not enacted in the form of Rules.

As regards his objections No. 4, Mr. Gajendranath Usgaonkar has overlooked clause 8 (2) (b) which takes care of this objection.

As regards objection No. 5 it is dealt with hereunder.

Objections raised by Mr. F. E. Noronha:

1. (i) It is noteworthy that Mr. Noronha records in para 1 that the Bill “consolidates the law of succession and Inventory answering a long felt need.”

2. On the contention that the Bill will *disintegrate, dismantle, break up, mutilate* the Civil Code:

(i) First and foremost, much prior to 1962, a substantial part of the Civil Code of 1867 had been repealed by the Portuguese Government by enacting Family Laws in 1910, Notarial Laws, Code of Property Registration, Code of Civil Registration, Rent Law etc. and some parts were repealed by certain provisions of the Portuguese Code of Civil Procedure.

The Civil Code of 1867 was thus no longer an integrated exposition of law. It had already disintegrated much before 1961.

(ii) After 1961, Parliament, in its wisdom, enacted The Goa Daman and Diu (Laws) Regulation Act, 1962, and the Goa, Daman and Diu (Laws) Regulation Act, 1963, whereby a host of Acts enacted by Parliament were extended to these territories. Section 4(1) provided that any corresponding law in force in Goa, Daman and Diu stood repealed. Besides, Parliament subsequently enacted laws which were applicable to Goa, Daman and Diu.

Thus, inter alia, the provisions in the Civil Code relating to Law of Contracts, Transfer of Property, Easements, etc. stood repealed by the corresponding provisions of the Law of Contracts, Transfer of Property Act, Easements Act, Companies Act, Partnership Act, Sale of Goods Act, and so on, and the field is occupied by laws made by Parliament. Only a part of the Civil Code remained in force in Goa. The substratum of the Civil Code of 1867 was thus further eroded.

Thus the Civil Code had already been *disintegrated, dismantled, broken up, mutilated* to use his expressions. It had ceased to be a logically integrated legal statute.

(iii) To sum up,

(a) The Civil Code of 1867 was already *disintegrated, dismantled, broken up, mutilated* before 1962 by the Portuguese legislature.

(b) The Civil Code was further *disintegrated, dismantled, broken up, mutilated* when Parliament thought, in its

wisdom, that Central Laws should cover a large number of fields covered by the Civil Code.

(c) The only work that could be undertaken in this State was as regards succession, and a very few other subjects.

(d) The clamour for a “Civil Code” in Goa is belated, unwarranted, irrational and unreasonable.

2. On the contention that the work was carried out in secret and suddenly:—

The present committee was appointed in 2002. The scope of the work was limited: succession, inventory, notaries, marriage, matrimonial property, divorce, protection of children. The appointment of the committee was notified in the Government Gazette and the newspapers also gave publicity to the fact that a committee had been appointed for that purpose. The procedural requirements were duly complied with. The propounder of a Civil Code came with his ideas only after 2005. Crying for a referendum to enact the law, which is not a fundamental law of the country, is preposterous and ridiculous.

The Committee worked first under the Chairmanship of the Hon. Law Minister Shri R. D. Khalap and then under the chairmanship of the Hon. Law Minister Shri Francis D’Souza.

3. On drafting an integrated Civil Code:

While Mr. Noronha clamours for an *integrated Civil Code* and contends in para 5 that a “full Civil Code could be prepared” and he guarantees in para 6 “that the work could be completed in 6 months”, at the same time he contends in para 62 that “the subject of Civil Code is something that the central Government can and should handle” and in para 65 “It has never been in anybody’s mind that Civil Code will be dealt with by a State Government” and in para 72 that “in Portugal the law was under revision for 22 years from 1944 to 1966. The country’s most eminent jurists took part in it and it involved at least two generations of jurists”. He appears to imply that there is only one jurist or no jurists in Goa in which case Goa will have to import jurists from Portugal, the country’s most eminent jurists, and keep them here for at least two generations.

Mr. Noronha cites the Statement of Objects and Reasons of the Easements Act, which recorded that the Bill is intended to form part of the Indian Civil Code to buttress his contention. Almost two centuries have passed since the intention was expressed in the Statement of Objects and Reasons of the Easements Act and no Civil Code has come into being till date. Parliament, in its wisdom, has not enacted any such Civil Code for reasons which are known to the Parliament.

4. On the co-existence of Succession Bill with the rest of the Civil Code:

The situation earlier and at present was and is no different from the one Mr. Noronha so much fears and dreads. Prior to 1961, there was a ‘Civil Code’, inextricably linked with provisions of other independent pieces of legislation: Law of Marriage as a Civil Contract, Marriage in the Portuguese Colonies, Law of Divorce, Portuguese Civil Procedure Code, Code of Civil Registration, Code of Property Registration etc. This was the Western law in force in Goa prior to 1961. Many subjects earlier dealt with in the Civil Code were covered by Decrees.

This is the uniqueness of the Goa legal system.

5. On limitation and prescription:

Dr. Noronha’s contention in para 19 is incorrect. He has overlooked clause 21 of the Bill which deals with the law of limitation.

6. On the provisions relating to procedural law:

The provisions of the notarial law are interlinked with the law of succession and the bill contains both substantive and procedural law. As pointed out above, the Indian Succession Act contains both substantive law (sections 1 to 191) and procedural law (sections 192 to 390). The procedural provisions are not enacted in the form of Rules.

7. On the Concurrent List of the Constitution of India:

Art. 246(2) lays down that Parliament and the legislature of any State also have power to make laws with respect to any matters enumerated in List III. Inter alia, “wills, intestacy and succession, joint family and partition” come within entry 5 of List III of the Seventh Schedule of the Constitution of India, and so also “civil procedure” under entry 13. The expression “commencement of the

Constitution” as far as Goa is concerned, has to be read as enforcement of the Constitution of India in the territory of Goa.

The Supreme Court has held that the legislation enacted has to be looked at as a whole to find out whether substantially it is with respect to the particular topic. It has further held that it must receive a liberal construction inspired by a broad and generous spirit and not in a narrow pedantic sense. The pith and substance of the enactment is to be seen. The enactment is valid even if it incidentally trenches upon or encroaches on matters assigned to another legislature.

8. Trends of legal history:

(i) The trends of legal history should objectively include the trends in England, parts of the United States of America and Australia and other countries that have adopted the Anglo Saxon jurisprudence. India has till date followed the Anglo Saxon jurisprudence. As stated, almost two centuries have passed since the intention to have an *Indian Civil Code* was expressed and no Civil Code has come into being till date. Parliament, in its wisdom, has not enacted any such Civil Code for reasons which are known to the Parliament.

(ii) Mr. Noronha contends that the civil code was not intended by the constituent assembly (para. 56) and at the same time quotes (para 62) Article 44 of the Constitution which provides that the state shall endeavour to secure for its citizens a uniform civil code throughout the territory of India.

(iii) In view of what has been discussed above, it is incorrect to say that Goa has a full Civil Code. The facts have been already brought into focus above [para1 (i) and (ii)] and need not be repeated. The question of the country destroying its own code does not arise since the country does not have a full civil code. Let us admit objectively that there is no Civil Code in Goa but only loose chapters of a mutilated civil code. This is the distinguishing feature of the Goan Identity and Heritage. There will, hence, be no interference with the “western model of Civil Code”.

9. On conventions:

The contention that the powers conferred on the State Legislature by Article Art. 246(2) read with entries in List III, by convention, have not

been exercised is unsubstantiated. The Civil Procedure Code, Land Acquisition Act, Court Fees Act, Stamp Act and many other enactments of Parliament have been amended by the State Legislature.

10. To conclude, we should repeat:

Mr. Noronha appears to imply that there is only one jurist or no jurists in Goa, in which case Goa will have to import jurists from Portugal, *the country's most eminent jurists, and keep them here for at least two generations.* And, in the meantime, continue with dispersed provisions of law and to resort to disparate and, at times, self-serving translations of the said provisions.

—◆◆—
Department of Home
HomeóGeneral Division
—

Notification

2/86/82-HD(G) Part II(1)/1152

In exercise of the powers conferred by sub-clause (d) of clause (8) of section 2 of the Official Secrets Act, 1923 (Central Act 19 of 1923) (hereinafter called the “said Act”), read with Notification No. II/21019/2/89-IS(US.DII) dated 21-8-1989 of the Government of India, Ministry of Home Affairs, New Delhi, the Government of Goa, hereby declares Aviation Fueling Station of Bharat Petroleum Corporation Ltd. at Mormugao Co-operative Industrial Estate, Chicalim on Plot No. A2a and A-4, Survey No. 10 of Chicalim Village of Mormugao Taluka encompassing an area of 1573.50 sq. mts. and 1431.00 sq. mts. respectively, to be “prohibited place” for the purpose of the said Act.

By order and in the name of the Governor
of Goa.

Neetal P. Amonkar, Under Secretary (Home).

Porvorim, 1st April, 2016.

Department of Labour

Inspectorate of Factories and Boilers

Notification

VI/FAC-6(L-1 Part)/IFB/2016/128

The following draft rules which the Government of Goa proposes to make in exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act No. 63 of 1948) (hereinafter referred to as the "said Act") so as to further amend the Goa Factories Rules, 1985, are hereby pre-published as required by section 115 of the said Act, for information of all persons likely to be affected thereby and notice is hereby given that the said draft rules shall be taken into consideration by the Government after the expiry of a period of forty-five days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft rules may be forwarded to the Secretary (Factories and Boilers), Government of Goa, Secretariat, Porvorim, before the expiry of the said period of forty-five days, so that they may be taken into consideration at the time of finalization of the said draft rules.

DRAFT RULES

In exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act No. 63 of 1948) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa Factories Rules, 1985, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Factories (Thirteenth Amendment) Rules, 2016.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. *Amendment of rule 2A.*— In rule 2A of the Goa Factories Rules, 1985 (hereinafter referred to as the "principal Rules"),—

(i) in sub-rule (1), for the expression "for such period as may be specified", the expression "for a period not exceeding twelve months" shall be substituted;

(ii) in sub-rule (2), for the expression "for such period as may be specified", the expression "for a period not exceeding twelve months" shall be substituted;

(iii) in the SCHEDULE, against serial number 7, in column 2, for the expression "Ventilation systems as required under various Schedules framed under section 87, such as Schedules on— (i) Grinding or glazing of metals and processes incidental thereto (ii) Cleaning or smoothing, roughening, etc. of articles, by a Jet sand, metal shot, or grit, or other abrasive propelled by a blast or compressed air or steam (iii) Handling and processing of Asbestos (iv) Manufacture of Rayon by Viscose (v) Foundry Operations Process," the expression "Ventilation Systems or exhaust appliance as required under section 14 and under various Schedules to rule 131" shall be substituted.

3. *Amendment of rule 3.*— In rule 3 of the principal Rules, in sub-rule (1), for clause (d), the following clause shall be substituted, namely:—

"(d) Where any flammable or non-flammable or toxic or non-toxic compressed gas is intended to be possessed in a cylinder or a vessel in any factory, application for permission shall also be accompanied by an approval/license, if applicable, as required under the Gas Cylinders Rules, 2004 or the Static and Mobile Pressure Vessels (Unfired) Rules, 1981, as the case may be, as amended from time to time, from the authority concerned."

4. *Amendment of rule 7.*— In rule 7 of the principal Rules, in sub-rule (1), in the proviso,—

(i) clause (i) shall be omitted;

(ii) for clause (ii), the following clause shall be substituted, namely:—

“(ii) that the approval of plans has not been obtained from the Chief Inspector as required under rule 3; or”.

5. *Amendment of rule 9.*— In rule 9 of the principal Rules, in sub-rule (2), in clause (a), for the words “for a period not exceeding five years” the words “for a period not exceeding five years on such conditions as he may specify” shall be substituted.

6. *Insertion of new rule 24A.*— In the principal Rules, after rule 24, the following rule shall be inserted, namely:—

“24A. *Removal of Dust, Fume, etc.*— (1) Save as otherwise expressly provided under these Rules, every exhaust appliance or ventilation system installed near or at source of generation, for the purpose of removal of dust, fumes, gas, vapour or other impurity of such nature likely to be injurious or offensive to the workers employed therein, shall be examined and tested by a competent person once within a period of twelve months so as to ascertain and maintain the effectiveness of the exhaust draught provided.

(2) Any defect disclosed by such examination and test shall be rectified as soon as practicable.

(3) A register containing particulars of such examination and test shall be maintained in Form No. 28.

Explanation: For the purpose of this rule, exhaust appliance or ventilation system means a localized ventilation effected by mechanical means for the removal of dust, fumes, gas, vapour or other impurity so as to prevent them (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on and shall not include merely an exhaust fan provided in a workroom for the purpose of removal of hot air or smoke.”.

7. *Amendment of rule 74.*— In rule 74 of the principal Rules, in sub-rule (1), after clause (b),

the following clause shall be inserted, namely:—

“(c) Save as otherwise expressly provided in this rule, no person shall be continued as a Safety Officer unless he possesses the requisite qualifications as specified in clause (a) of sub-rule (1) or obtains the said requisite qualifications within such period as the Chief Inspector may specify in writing.”.

8. *Amendment of rule 90N.*— In rule 90N of the principal Rules, in sub-rule (1),—

(i) for the expression “qualified medical practitioner, hereinafter referred to as “Factory Medical Officer”, the expression “qualified medical practitioner, hereinafter referred to as “Factory Medical Officer” recognized by the Chief Inspector or through a recognized Occupational Health Laboratory under the guidance of a Factory Medical Officer,” shall be substituted.

(ii) in clause (b), for the expression “6 months” the words “twelve months” shall be substituted.

9. *Amendment of rule 90 O.*— In rule 90 O of the principal Rules, in sub-rule (1),—

(i) in clause (a),—

(a) for the expression “employing upto 50 workers”, the expression “licensed to employ upto 150 workers on any day” shall be substituted;

(b) in sub-clause (i), for the expression “Factory Medical Officer on retainer-ship basis,” the expression “Factory Medical Officer recognized by the Chief Inspector, on retainer-ship basis” shall be substituted;

(ii) in clause (b),—

(a) for the expression “employing 51 to 200 workers”, the expression “licensed to employ more than 150 but upto 500 workers on any day” shall be substituted;

(b) in sub-clause (ii), for the expression “Factory Medical Officer shall be in over all charge”, the expression “Factory Medical Officer recognized by the Chief Inspector shall be in over all in-charge” shall be substituted;

(iii) In clause (c),—

(a) for the expression “employing above 200 workers”, the expression “licensed to employ more than 500 workers on any day” shall be substituted;

(b) in sub-clause (i),—

(i) for the words “Factory Medical Officer” and “medical officer”, the words “Factory Medical Officer recognized by the Chief Inspector” shall be substituted;

(ii) for the expression “employing up to 500 workers”, the expression “licensed to employ upto 1000 workers on any day” shall be substituted.

10. *Insertion of new rule 90W.*— In the principal Rules, after rule 90V, the following rule shall be inserted, namely:—

“Rule prescribed under section 41B(4) and section 112:

90W. *On-site emergency plan.*— (1) On-site emergency plan shall contain details as specified in the Schedule to this rule and the details as to how major accidents or emergencies will be dealt with on the site and such plan shall include names of the persons authorized to take action in accordance with such plan in case of an emergency.

(2) The emergency plan prepared under sub-rule (1) shall be updated periodically or after any modification made to the manufacturing process, which may affect the emergency preparedness.

(3) Mock drill of the on-site emergency plan shall be conducted at least once in every six months.

(4) A detailed report of the mock drill conducted under sub-rule (3) shall be prepared and maintained and made available to the Chief Inspector or the Inspector on demand.

SCHEDULE

Details to be furnished in the On-site Emergency Plan

- (1) Name and address of the person furnishing the information :
- (2) Key personnel of the organization and responsibilities assigned to them in case of an emergency :
- (3) Outside organization if involved in assisting during on-site emergency—
 - (a) Type of accidents :
 - (b) Responsibility assigned :
- (4) Details of liaison arrangement between the organizations. :
- (5) Information on the preliminary hazard analysis—
 - (a) Type of accidents :
 - (b) System elements or events that can lead to a major accident :
 - (c) Hazards :
 - (d) Safety relevant components :
- (6) Details about the site—
 - (a) Location of dangerous substances :
 - (b) Seat of key personnel :
 - (c) Emergency control room :
- (7) Description of hazardous chemicals at plant site —
 - (a) Chemicals (Quantities and toxicological data) :

- (b) Transformation if any, which could occur :
- (c) Purity of hazardous chemicals :
- (8) Likely dangers to the plant :
- (9) Enumerate effects of—
 - (a) Stress and strain caused during normal operation: :
 - (b) Fire and explosion inside the plant and effect if any, of fire and explosion outside :
- (10) Details regarding—
 - (a) Warning, alarm and safety and security systems. :
 - (b) Alarm and hazard control plans in line with disaster control and hazard control planning, ensuring the necessary technical and organizational precautions; :
 - (c) Reliable measuring instruments, control units and servicing of such equipments :
 - (d) Precautions in designing of the foundation and load bearing parts of the building :
 - (e) Continuous surveillance of operations :
 - (f) Maintenance and repair work according to the generally recognized rules of good engineering practices :
- (11) Details of communication facilities available during emergency and those required for an off-site emergency :
- (12) Details of fire fighting and other facilities available and those required for an off-site emergency :
- (13) Details of first aid and hospital services available and its adequacy.” :

11. *Amendment of rule 95.*— In rule 95 of the principal Rules,—

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) Every ambulance room shall be under the charge of a Factory Medical Officer recognized by Chief Inspector as per scale laid down hereunder assisted by at least one qualified nurse or dresser-cum-compounder and one nursing attendant in each shift where a factory works in more than one shift:—

(a) one part-time Factory Medical Officer for factories employing upto 1000 workers, who shall visit the factory at least twice in a week for half a day per visit;

(b) one full-time Factory Medical Officer for factories employing above 1000 workers but not exceeding 1500 and additional Factory Medical Officer for every additional 1000 workers or part thereof.”;

(ii) in sub-rule (2), for the expression “medical officer”, the expression “Factory Medical Officer” shall be substituted;

(iii) in sub-rule (3), for the expression “medical officer”, the expression “Factory Medical Officer” shall be substituted;

(iv) for the Explanation, the following Explanation shall be substituted, namely:—

“*Explanation:* For the purpose of this rule, ‘Factory Medical Officer’ shall be a person holding qualifications as specified in sub-rule (2) of rule 90 O.”.

12. *Amendment of rule 102.*— In rule 102 of the principal Rules,—

(i) in sub-rule (1), for the expression “factory medical officer or the Certifying Surgeon”, the expression “Certifying Surgeon or Medical Inspector of Factories or recognized Factory Medical Officer or recognized Occupational Health Laboratory” shall be substituted;

(ii) in sub-rule (2), for the expression “factory medical officer or the Certifying Surgeon”, the expression “Certifying Surgeon or Medical Inspector of Factories or recognized Factory Medical Officer or recognized Occupational Health Laboratory” shall be substituted.

13. *Amendment of rule 110.*— In rule 110 of the principal Rules,—

(i) in sub-rule (1), in clause (a),—

(a) for the expression “appoint at least one Welfare Officer,” the expression “appoint at least one Welfare Officer recognized by the Chief Inspector” shall be substituted;

(b) for the words “additional Welfare Officer” words “additional Welfare Officer recognized by Chief Inspector” shall be substituted;

(ii) in sub-rule (2),—

(a) clause (a) shall be omitted;

(b) for clause (b), the following clause shall be substituted, namely:—

“(b) has obtained (i) master degree in Social Science/Social Work specializing in labour welfare or personnel management and industrial relations; or (ii) master degree in personnel management; or (iii) master degree in business administration specializing in human resource; or (iv) post graduate diploma in personnel management and/or labour welfare and/or labour laws from a recognized University or a reputed institute recognized by the Central or State Government; and”.

14. *Amendment of rule 131.*— In rule 131 of the principal Rules,—

(i) in sub-rule (3), clause (c) shall be omitted;

(ii) after sub-rule (5), the following sub-rule shall be inserted, namely:—

“(6) Specific tests to be conducted for the purpose of carrying out medical examination of a worker shall be in accordance with the Schedule hereinbelow and the same shall be in addition to the other biochemical, pathological, biological and instrumental investigations which the Certifying Surgeon may specify to assess the occupational health status of a worker.

SCHEDULE

Schedule	Dangerous manufacturing processes or operation	Specific Tests to be conducted
1	2	3
I	Manufacture of aerated water and processes incidental thereto	Nil.
II	Electrolytic plating or oxidation of metal articles by use of an electrolyte containing chromic acid or chromium compounds	(i) X-ray chest Pre-employment and then, every five years or earlier if indicated. (ii) Assessment of the chemical in blood/urine such as chromium in blood and urine, nickel in urine and cadmium in urine. (iii) Assessment of metabolites (where the chemical cannot be measured) in blood/urine, any other biological sample.

1	2	3
III	Manufacture and repair of electric accumulators	(i) Assessment of chemical in blood/urine such as Aminolevulinic acid in urine, lead in urine and blood, haemoglobin % steadiness test.
IV	Glass manufacture	(i) X-ray chest Pre-employment and then every five years or earlier if indicated. (ii) Pulmonary function tests.
V	Grinding or glazing of metals	(iii) Assessment of lead in blood, urine. (i) X-ray chest Pre-employment and then every five years or earlier if indicated. (ii) Pulmonary function test.
VI	Manufacture and treatment of lead and certain compounds of lead	(i) Assessment of chemical in blood/urine such as lead in blood and urine, Aminolevulinic acid in urine, haemoglobin % steadiness test.
VII	Generating petrol gas from petrol	Nil.
VIII	Cleaning or smoothing, roughening, etc. of articles by a jet of sand, metal shot or grit or other abrasive propelled by blast of compressed air or steam	(i) X-ray chest Pre-employment and then every five years or earlier if indicated. (ii) Pulmonary function test.
IX	Limming and tanning of raw hides and skins and processes incidental thereto	(i) Skin test for dermatitis and detection of anthrax by gram stain.
X	Certain lead processes carried on in printing process and type foundries	(i) Assessment of chemical in blood/urine such as lead in blood and urine, Aminolevulinic acid in urine, haemoglobin % steadiness test.
XI	Manufacture of pottery	(i) X-ray chest Pre-employment and then every five years or earlier if indicated. (ii) Pulmonary function test.
XII	Chemical works	(iii) Assessment of chemical in blood/urine such as lead in blood and urine, Aminolevulinic acid in urine, haemoglobin % steadiness test.
XIII	Manufacture of articles from refractory materials	Nil. (i) X-ray chest Pre-employment and then every five years or earlier if indicated. (ii) Pulmonary function test.
XIV	Handling and processing of asbestos, manufacture of any article of asbestos and any other process of manufacture or otherwise in which asbestos is used in any form	(i) Chest X-ray Pre-employment and then every five years or earlier if indicated. (ii) Pulmonary function test.
XV	Handling or manipulation of corrosive substances	Nil.
XVI	Processing of cashew nuts	(i) Skin test for dermatitis.
XVII	Compression of oxygen and hydrogen produced by the electrolysis of water	Nil.
XVIII	Process of extracting oils and fats from vegetable and animal sources in solvent extraction plants	Nil.
XIX	Manufacture or manipulation of manganese and its compounds	(i) Assessment of serum calcium, serum phosphate and manganese in blood and urine.

1	2	3
XX Manufacture or manipulation of dangerous pesticides		(ii) Steadiness test. (iii) Neuro-muscular co-ordination test. (i) Determination of the chemical in blood and fat tissues, Electroencephalography (EEG) abnormalities and memory test. (ii) Depression of cholinesterase in plasma and red blood cells.
XXI Manufacture, handling and usage of benzene and substances containing benzene		(i) Phenol in urine and determination of urinary sulphide ratio and central nervous system and hematological tests. Nil.
XXII Manufacturing process or operations in carbon disulphide plants		
XXIII Manufacture or manipulation of carcinogenic dye intermediates		(i) Detection of Methemoglobinemia in blood, para-Nitrophenylphosphate in urine. (ii) Pulmonary function test. (iii) Central nervous system test.
XXIV Operations involving high noise levels		(i) Audiometry.
XXV Manufacture of Rayon by Viscose process		(i) Iodine azide test on urine, cholesterol in serum. (ii) Electro cardiogram. (iii) Central nervous system test. Nil.
XXVI Highly flammable liquids and flammable compressed gases		
XXVII Foundry Operations		(i) Chest X-ray Pre-employment and then every five years or earlier if indicated. (ii) Pulmonary function test. Nil.
XXVIII Fireworks manufactories and match factories		
XXIX Manipulation of stone or any other material containing free silica		(i) Chest X-ray Pre-employment and then every five years or earlier if indicated. (ii) Pulmonary function test.

(iii) for Schedule XXIV, the following Schedule shall be substituted, namely:—

“SCHEDULE – XXIV

Operations involving high noise and vibration levels

Part – A. High Noise Levels:

1. *Application.*— This Part of the Schedule shall apply to all operations in any manufacturing process having high noise level.

2. *Definitions.*— For the purpose of this Schedule,—

- (a) “noise” means any unwanted sound;
- (b) “high noise level” means any noise level measured on the A-weighted scale is 85 dB or above;
- (c) “decibel” means one-tenth of “Bel” which is the fundamental division of a logarithmic scale used to express the ratio of two specified or implied quantities, the number of “Bels” denoting such a ratio being the logarithm to the base of 10 of this ratio. The noise level (or the sound pressure level) corresponds to a reference pressure of 20 x 10 Newton per square meter or 0.0002 dynes per square centimeter which is the threshold of hearing, that is, the lowest sound pressure level necessary to produce the sensation of hearing in average healthy listeners. The decibel in abbreviated form is dB;

- (d) “frequency” is the rate of pressure variations expressed in cycles per second or hertz;
- (e) “dBA” refers to sound level in decibels as measured on a sound level meter operating on the A-weighting net work with slow meter response;
- (f) “A-weighting” means making graded adjustments in the intensities of sound of various frequencies for the purpose of noise measurement so that the sound pressure level measured by an instrument reflects the actual response of the human ear to the sound measured.

3. *Protection against noise.*— (1) In every factory, suitable engineering control or administrative measures shall be taken to ensure so far as is reasonably practicable that no worker is exposed to sound levels exceeding the maximum permissible noise exposure levels specified in Tables 1 and 2.

TABLE I

Permissible exposure in cases of continuous noise

Total time of exposure (continuous or short term exposures) per day in hours	Sound pressure level in dBA
(1)	(2)
8	85
6	87
4	90
3	92
2	95
1½	97
1	100
¾	102
½	105
¼	110

Notes: (A) No exposure in excess of 110 dBA is to be permitted.

(B) For any period of exposure falling in between any figure and the next higher or lower figure as indicated in column 1, the permissible sound pressure level is to be determined by extrapolation on a proportionate basis.

TABLE 2

Permissible exposure levels of impulsive or impact noise

Peak sound pressure level in dB	Permitted number of impulses or impacts per day
(1)	(2)
140	100
135	315
30	1,000
125	3,160
120	10,000

Notes: (A) No exposure in excess of 140dB peak sound pressure level is permitted.

(B) For any peak sound pressure level falling in between any figure and the next higher or lower figure as indicated in column 1, the permitted number of impulses or impacts per day is to be determined by extrapolation on a proportionate basis.

(2) For the purpose of this Schedule, if the variations in the noise level involve maximum at intervals of one second or less, the noise is to be considered as a continuous one and the criteria given in Table 2 would apply.

(3) When the daily exposure is composed of two or more periods of noise exposure at different levels their combined effect should be considered rather than the individual effect of each. The mixed exposure should be considered to exceed the limit value if the sum of the fractions

$$\frac{C_1}{T_1} + \frac{C_2}{T_2} + \dots + \frac{C_n}{T_n} \text{ exceeds unity,}$$

Where the C₁, C₂ etc. indicate the total time of actual exposure at a specified noise level and T₁, T₂, etc. denote the time of exposure of less than 90 dBA may be ignored in the above calculation.

(4) Where it is not possible to reduce the noise level exposure to the levels specified in sub-clause (1) by reasonable practicable engineering control or administrative measures, each worker so exposed shall be provided with suitable ear protectors as per relevant National or International Standards so as to reduce the exposure to noise to the levels specified in sub-clause (1).

(5) (1) The Occupier shall provide personal hearing protectors to the workers.

(a) so as to eliminate the risk to hearing or to reduce the risk to as low a level as is reasonably practicable.

(b) after consultation with the employees concerned or their representative.

(c) and ensure the hearing protectors are properly fitted, periodically checked for the effectiveness and are maintained in good working order and repair.

(d) and ensure that workers are given periodical training in the use, care and maintenance of the personal hearing protectors.

(6) (a) Where the ear protectors worn by a worker cannot still attenuate the noise reaching near his ear, as determined by subtracting the attenuating value in dBA of the ear protectors concerned from the measured sound pressure level, to a level permissible under Table 1 or Table 2, as the case may be, the noise exposure period shall be suitably reduced to correspond to the permissible noise exposures specified in sub-clause (1).

(b) Every worker employed in areas where the noise exceeds the maximum permissible exposure level specified in sub-clause (1) shall be subjected to any auditory examination by a Certifying Surgeon within 14 days of his first employment and thereafter, shall be re-examined at least once every 12 months. Such initial and periodical examinations shall include tests which the Certifying Surgeon may consider appropriate and shall include determination of auditory thresholds for pure tones of 125, 250, 500, 1000, 2000, 4000 and 8000 cycles per second.

Part – B. High Vibration Levels:

1. *Applications.*— This part of the Schedule shall apply to all operations in any manufacturing process having high vibrations.

2. *Definitions.*— (a) “daily exposure” means the quantity of mechanical vibration to which a worker is exposed during a working day, which takes account of the magnitude and duration of the vibration;

(b) “Vibration” means a mechanical phenomenon where by oscillations occur about equilibrium point. The oscillations may be periodic or random;

(c) “high vibration” means any exposure greater than the exposure limit value and action value specified in clause (3);

(d) “exposure action value” means the level of daily exposure set out in clause (3) for any worker which if reached or exceeded, requires specified action to be taken to reduce risk;

(e) “exposure limit value” means the level of daily exposure for any worker which must not be exceeded, as specified in sub-clause (3);

(f) “hand-arm vibration” means mechanical vibration which is transmitted into the hands and arms during a work activity;

(g) “mechanical vibration” means vibration occurring in a piece of machinery or equipment or in vehicle as a result of its operations; and

(h) “whole-body vibration” means mechanical vibration which is transmitted into the body when seated or standing through the supporting surface, during a work activity as stated in sub-clause 3(2).

3. *Exposure limit values and action values.*— (1) For hand-arm vibration,—

(a) The daily exposure limit value is 5 m/s² A(8);

(b) The daily exposure action value is 2.5 m/s²A(8) and daily exposure shall be ascertained on the basis set out in the relevant National/International Standards specified in table 1 below.

(2) For whole body vibration,—

(a) The daily exposure limit value is 1.15 m/s²A(8);

(b) The daily exposure action value is 0.5 m/s² A (8), and daily exposure shall be ascertained on the basis set out in the relevant National/International Standards.

TABLE 1

The Threshold Limit Values (TLVs) for exposure of the hand to vibration in X, Y, or Z direction of axes in the three dimensional system shall be as given below:

Total Daily Exposure Duration (hours)	Maximum value of frequency weighted acceleration (m/s ²) in any direction
4 to less than 8 hours	4
2 to less than 4 hours	6
1 to less than 2 hours	8
Less than 1 hour	12

(3) Assessment of vibration exposure shall be made for each applicable direction (X,Y,Z) since vibration is a vector quantity (magnitude and direction). In each direction, the magnitude of the vibration during normal operation of the power tool, machine or work piece should be expressed by the root-mean-square (RMS) value of the frequency – weighted component acceleration, in units of meter per second squared (m/s²).

4. *Assessment of risk to health due to vibration at the work place.*— (1) An occupier who carried out work which is liable to expose any worker to vibration shall make a suitable and sufficient assessment of the risk created by that work to the health and safety of those and the risk assessment shall identify the control measures that need to be taken.

(2) The risk assessment should be reviewed whenever it is felt that the changes in the process makes the earlier risk assessment no longer valid.

5. *Engineering control measures.*— (1) The occupier shall ensure that risk from the exposure of workers to vibration is either eliminated at source or where this is not reasonably practicable, reduced to as low a level as is reasonably practicable.

(2) Where it is not reasonably practicable to eliminate risk at source and an exposure action value is likely to be reached or exceeded, the employer shall reduce exposure to as low a level as is reasonably practicable by establishing and implementing a programme of engineering control measures which are appropriate to this type of activity.

(3) The occupier shall ensure that the workers are provided with the following measures:—

(a) Work equipment of appropriate ergonomic design which, taking account of the work to be done, produces the least possible vibration.

(b) The provision of auxiliary equipment which reduces the risk of injuries caused by vibration; and install appropriate maintenance programmes for work equipment, the work place and the work place systems.

(4) The employer shall ensure that his employees are not exposed to vibration above an exposure limit value; and shall take necessary steps to identify the reasons for the limit being exceeded and take appropriate steps to reduce the exposure to vibration to below limit value.

Provided that where the exposure of an employee to vibration is usually below the exposure action value but varies markedly from time to time and may occasionally exceed the exposure limit value:

Provided further that any exposure to vibration averaged over one week is less than the exposure limit value and there is evidence to show that the risk from the actual pattern of exposure is less than the corresponding risk from constant exposure limit value and that the risk is reduced to as low a level as is reasonably practicable taking into account the special circumstances.

6. *Medical Examination.*— (1) The occupier shall ensure that the workers who are likely to be exposed to vibration at above exposure action value are subjected to periodical medical examination once in a year. The medical examination shall include general and physical examination as well as special test by Reynaud's phenomenon.

(2) The health record of workers shall be maintained by the occupier for a period of 5 years from the date of last test and shall be produced to the Inspector of Factories on demand.

(3) If, at any time the Certifying Surgeon/Factory Medical Inspector is of the opinion that the worker is no longer fit to work in the said process on the ground that continuance daring would involve danger to the health of the worker he shall make a record of his findings in the said certificate and health register. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the same processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the Certifying Surgeon in which case the person affected shall be suitably rehabilitated.

7. *Personal Protective Equipment.*— (1) The Occupier shall ensure that the worker who are likely to be exposed to high level of vibration are provided with appropriate Personal Protective Equipment and protective clothing conforming to national and international standards. Such Personal Protective Equipment shall include hand gloves and safety shoes. The protective clothing shall be able to protect the workers from cold and damp.

(2) The occupier shall ensure that workers are given periodical training in the use care and maintenance of the Personal Protective Equipment.

8. *Administrative Control Measures.*— (1) The occupier shall ensure that as far as reasonably practicable all necessary control measures are taken to ensure that the unwanted vibrations does not affect the health of the workers employed in the process to which this part of Schedule apply.

(2) The occupier shall provide all workers with information, instructions and training so as to follow the exposure limit values and action values as set out in clause (3).

(3) Without prejudice to the generality of sub-clause (2), the information, instructions and training provided shall include,—

- (a) the exposure limit values and action values set out in clause (3);
- (b) safe working practices to minimize exposure to vibration; and
- (c) suitable and sufficient information and training for employees so that work equipment may be used correctly and safely in order to minimize their exposure to vibration;
- (d) limitation of the duration and magnitude of exposure to vibration;
- (e) appropriate work schedules with adequate rest periods; and

(f) the information, instructions and training required shall be updated to take account of significant changes in the type of work carried out or the working methods used by the employer.

(4) The occupier shall display pictorial cautionary notices/warning, signs at conspicuous places where there are possibilities of workers being exposed to undesired high vibrations.

9. *Prohibition in employment of women, young persons and persons with disabilities.*— No women or young person or persons with disabilities shall be employed in the process covered by this part of the Schedule.

10. *Exemptions.*— If, in respect of any factory, the Chief Inspector is satisfied that owing to any exceptional circumstances, or infrequency of the process, or for any other reason, application of all or any of the provisions of this Schedule is not necessary for the protection of the persons employed in such factory, he may, with prior approval of the Government, by an order in writing, which he may at his discretion revoke, exempt such factory from all or any of the provisions of this Schedule, on such conditions and for such period as he may specify in the said Order”.

15. *Substitution of rule 132.*— In the principal Rules, for rule 132, the following rule shall be substituted, namely:—

“132. *Notification of accidents and dangerous occurrences.*— (1) When any accident as specified in clause (1) of the Schedule hereto or any dangerous occurrence as specified in clause (2) of the said Schedule takes place in a factory, the Manager of the factory shall, within four hours of the happening of such accident or dangerous occurrence, send a notice thereof by telephone and special messenger or e-mail to the Inspector and the Chief Inspector and to the relatives of the injured or deceased person.

(2) The notice so given under sub-rule (1) shall be confirmed by the Manager of the factory to the Inspector and Chief Inspector by sending to them a written report in the case of an accident or dangerous occurrence causing death or bodily injury in Form No. 30 and in case of a dangerous occurrence not causing bodily injury or death in Form No. 31, within 12 hours of the taking place of any such accident or dangerous occurrence.

(3) When any accident other than as specified in clause (1) of the Schedule hereto takes place in a factory and it causes such bodily injury to any person which prevents the person injured from working for a period of 48 hours or more immediately following the accident or the dangerous occurrence, as the case may be, the Manager of the factory shall send a report thereof to the Inspector in Form No. 30 within 24 hours after the expiry of 48 hours from the time of the accident or the dangerous occurrence:

Provided that, if the period of disability from working for 48 hours or more referred to in sub-rule (3) does not occur immediately following the accident or the dangerous occurrence, but occurs later on in more than one spell, the report shall be sent to the Inspector in Form No. 30 within 24 hours immediately following the hour when the actual total period of disability from working resulting from the accident or the dangerous occurrence becomes 48 hours:

Provided further that in case of death occurs to any person injured by such accident or dangerous occurrence after the notices and the reports referred to in the foregoing sub-rules have been sent, the Manager of the factory shall forthwith send a notice thereof by telephone and special messenger or e-mail within 12 hours and also have this information confirmed in writing within 24 hours of the death to the authorities and persons mentioned in sub-rule (1).

SCHEDULE

- (1) Accidents which cause death or serious bodily injury to a person.
- (2) The following occurrences, whether or not they are attended by personal injury or disablement:—
 - (a) Bursting of a vessel or a pipeline used for containing steam under pressure greater than atmospheric pressure other than vessel or pipeline which comes within the scope of the Boilers Act, 1923 (Central Act 5 of 1923);
 - (b) Collapse or failure of a crane, derrick, winch, lift, hoist or other appliances used in raising or lowering persons or goods or any part thereof, or the overturning of the crane;
 - (c) Explosion, fire bursting out, leakage or escape of any molten metal, hot liquor or gas causing damage to any part or portion of the factory in which persons are employed or damage to any plant, machinery or material;
 - (d) Explosion of a receiver or container used in any process or used for storage at a pressure greater than atmospheric pressure of any gas or any gases including air or any liquid or any solid;
 - (e) Collapse or subsidence of any “work of engineering construction”, as stated in the Explanation to rule 5, forming part of a factory or within the compound of a factory.

Explanation: For the purpose of this rule, ‘serious bodily injury’ means —

- (i) an injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb or the permanent loss of, or injury to, sight or hearing, or the fracture of any bone, but shall not include, the fracture of bone or joint (not being fracture of more than one bone or joint) of any phalanges of the hand or foot; or
- (ii) Crushed or serious injury to any part of the body due to which loss of the same is obvious or any injury which is likely to cause death; or
- (iii) Severe burns or scalds due to chemicals, steam or any other cause.”.

16. *Amendment of Form No. 34.*— In Form No. 34 of the principal Rules, in clause (23),—

- (i) in sub-clause (a), for the expression “Factories employing 200 or less persons covered under section 2(cb)”, the expression “Factories licensed to employ upto 500 workers covered under section 2(cb)”, shall be substituted;
- (ii) in sub-clause (b), for the expression “Factories employing above 200 workers covered under section 2(cb)”, the expression “Factories licensed to employ above 500 workers covered under section 2(cb)”, shall be substituted;
- (iii) in sub-clause (c), for item (i), the following item shall be substituted, namely:—

- “(i)(a) Number of part time Factory Medical Officers :
for factories employing upto 1000 workers
- (b) Number of full time Factory Medical Officers :
for factories employing above 1000 workers.”.

17. *Insertion of new rule 142A.*— In the principal Rules, after rule 142, the following rule shall be inserted, namely:—

“142A. *Obtaining and submission of certain forms.*— The fee to be charged for obtaining and submission of certain Forms shall be as follows, namely:—

Form No.	Fees for obtaining of Form in Rs.	Fees for submission of Form in Rs.*
(1)	(2)	(3)
1	100/-	10/-
2	20/-	5/-
3	20/-	5/-
34	100/-	Nil
35	15/-	Nil

*Note: In case of submission of above Forms, the requisite fee shall be paid in the form of Court fee Stamp affixed on such Form as specified in column (3) of above table.”.

18. *Substitution of Form No. 2.*— For Form No. 2 of the principal Rules, the following Form shall be substituted, namely:—

“

Form fee
Rs. 20/- to be
paid by cash
against receipt

Affix Court
Fee Stamp of
Rs. 5/-

FORM No. 2

(See rules 6 and 15)

Application for Registration and Grant or Amendment of Licence and Notice of Occupation

1. Application for (*Tick one or more, as applicable*)

- (a) Registration, Grant of Licence and/or Notice of Occupation :
- (Indicate last plan approval No. and date granted by Chief Inspector)AND/OR :
- (b) Amendment of license for
- (i) Change of Occupier :
- (ii) Change in name of the factory due to acquisition or merger or any other reasons to be specified :
- (iii) Addition/Deletion of the Manufacturing process/Product :
- (iv) Increase/Decrease in maximum number of workers on any day :
- (v) Increase/Decrease in installed power :

2. (a) Name and complete residential address of the occupier, that is—

- (a) the proprietor; OR :
- (b) one of the partners of the firm appointed by resolution; OR :
- (c) a director of the company appointed by resolution; OR :
- (d) the person appointed to manage the affairs of the factory owned or controlled by Central :

Government or State Government or local
authority; OR

- (e) any other (specify) :
- (b) (i) Full name and postal address of the factory :
with Pin Code :
(ii) Telephone No. :
(iii) e-mail id :
- (c) (i) Whether factory already registered : Yes/No
(ii) If yes, registration No. :
(iii) Licence No. : GOA/.....
(iv) If no, date from which amenable under the :
Factories Act, 1948 (Central Act 63 of 1948)
3. Full name and address of the owner of the premises :
or building (including the precincts thereof) referred :
to in section 93. :
4. Full name and residential address of the person :
who shall be the manager of the factory for the :
purposes of the Act :
5. (a) Nature of manufacturing process(es) carried : Enclose list of processes
out in the factory
- (b) In case of application for amendment i.e.
addition or deletion, indicate:-
- (i) manufacturing process(es) to be carried out : Enclose list of processes
in the factory after addition or deletion
- (ii) Name and quantities of raw materials to be : Enclose list of each separately
used, intermediate products and principal
finished products to be produced after
addition or deletion
6. Number of workers employed in the factory—
- | | Employed in the
last 12 months | Proposed to be
employed in
next 12 months |
|---------------------------------|-----------------------------------|---|
| (a) Maximum number | : | : |
| (b) Number ordinarily employed* | : | : |
7. Total amount of power in HP—
- | | |
|------------------------------|---------|
| (a) Installed | : |
| (b) Proposed to be installed | : |
8. Fees paid (details)
- Rs. (Rupees only)
- Paid vide treasury challan No. dated or Book Adjustment vide
order No. dated.....

Signature of the Occupier:

Full Name (in block letters) :

Telephone No.: Mobile No.: e-mail id:

Signature of the Manager :

Full Name (in block letters)

Telephone No.: Mobile No.: e-mail id:

Dated:.....

Note: (1) This form should be completed in block letters.

(2) If power is not used at the time of filling up this Form but introduced later, the fact should be communicated to the Chief Inspector of Factories.

(3) The term 'ordinarily employed' would mean the total number of workers working in all the shifts which should be over 50% of the working days in the factory.”

19. *Substitution of Form No. 3.*— For Form No. 3 of the principal Rules, the following Form shall be substituted, namely:—

“

Form fee Rs. 20/-
to be paid by
cash against
receipt

Affix Court
Fee Stamp of
Rs. 5/-

FORM No. 3

(See rule 9)

Application for Renewal of Licence

Registration No.: Licence No.: GOA/.....

NIC code No. (as given in the licence) :

1. Full name of the factory :

2. Full Postal Address of the factory :

3. Maximum number of workers employed on any day
in the last 12 months :4. Number of workers ordinarily employed (means the
total number of workers working in all the shifts
which should be over 50% of the working days in
the factory) :5. Maximum number of workers to be employed on
any day during the year :

6. Installed power in H.P. :

7. Calendar year for which renewal of licence is
applied for :

8. Fees paid details

Rs. / (Rupees only) Paid vide treasury

challan No. dated or Book Adjustment vide order No. Dated:

UNDERTAKING

I/We, the undersigned, being the Occupier and the Manager of the factory named at Sr. No. 1 and situated as mentioned at Sr. No. 2 above, duly appointed in accordance with the provisions of the Factories Act, 1948 (Central Act 63 of 1948) and the rules made thereunder, hereby declare that there is no increase in the maximum number of workers employed on any day, there is no increase in installed power and there is no change/addition/deletion in the manufacturing process of the said factory as specified in the license, including the names and quantity of the raw material used, intermediate products, finished products, bye products, as declared earlier and that I/we hereby undertake to obtain approval of plans in accordance with rule 3 and/or to amend the factory license in accordance with rule 8, if there is any increase in maximum number of workers employed on any day and/or increase in installed power and/or change/addition/deletion in the manufacturing process as declared.

Signature of the Occupier:

Full Name (in block letters):

Permanent residential address:

Telephone No.:

Mobile No.:

e-mail id:

Signature of the Manager

Full Name (in block letters) Permanent residential address:

Telephone No.:

Mobile No.:

e-mail id:

Dated:

Note: (1) This form should be completed in block letters.”.

20. *Substitution of Form No. 28.*— For Form No. 28 of the principal Rules, the following Form shall be substituted, namely:—

“FORM No. 28

[See rule 24A and various Schedules annexed to rule 131]

**Report of Examination and Test for Extraction or Suppression System of Dust/Fume/
/Gas/Vapour/Smoke, etc.**

1. Name and Address of the factory :
2. Description and Distinctive number of the system :
3. Name and address of the manufacturer :
4. Nature of the process/operation in which it is used :
5. Date on which it was first taken into use :
6. Contaminant captured and its properties e.g. :
flammable, corrosive, toxic, combustible, etc.

7. Inlet/Enclosure/Hood—	:		
(a) Number of Inlet/Enclosure/Hood	:		
(b) Size and Sr. No. of each Inlet/Enclosure/Hood	:		
(i)	:		
(ii) , etc. (Add Nos. if required)	:		
(c) Distance of inlet/enclosure/hood from source of Contaminant	:		
(d) Face velocity at each Inlet/Enclosure/Hood	:	Design value	Actual value
(i)	:		
(ii) , etc. (Add nos. if required)	:		
(e) Air volume at each Inlet/Enclosure/Hood in m ³ /hr	:		
(i)	:		
(ii) , etc. (Add nos. if required)	:		
8. Ducting—	:		
(a) Material of the Duct and its condition observed with respect to corrosion/cracks/punctures	:		
(b) Condition of Duct at joints/flanges	:		
(c) Transport velocity in duct (at points along duct to be specified)	:		
(i)	:		
(ii), etc. (Add nos. if required)	:		
9. Air cleaning device—	:		
(a) Type used	:		
(b) Velocity at inlet	:		
(c) Static pressure at inlet	:		
(d) Velocity at outlet	:		
(e) Static pressure at outlet	:		
10. Fan—	:		
(a) Type used	:		
(b) Volume handled	:		
(c) Static pressure	:		
(d) Pressure drop at outlet of fan	:		
11. Fan motor—	:		
(a) Type	:		
(b) Whether flameproof in case used for handling flammable substances/mixtures	:		
(c) Speed in rpm and power in kilowatts	:		
12. Whether the equipment/system is earthed and bonded adequately to prevent static charge build up	:		
13. Particular of defects, if any, noticed during test and repairs required (if any)	:		
14. Any other particulars which the person making the examination thinks it necessary for effective working	:		

I certify that on (date) the above system was thoroughly cleaned and (so far as its construction permits) made accessible for thorough examination. I further certify that on the said date, I thoroughly examined the above system including its components and fittings and that the above is a true report of my examination.

Signature and name of Competent Person:

Number and date of the competency certificate:

If employed by an Institution,
name and address of the Institution:"

By order and in the name of the Governor of Goa.

Vivek P. Marathe, Chief Inspector & ex officio Joint Secretary (Factories & Boilers).
Panaji, 11th April, 2016.



Department of Mines

Directorate of Mines & Geology



Notification

01/2014/Policy-2014/ADM/MINES/141

'The Goa grant of Mining Leases Policy, 2014' notified vide Notification No. 1/33/2014/Policy-2014/ADM/MINES/3214 dated 20-1-2015 stands withdrawn with effect from 31-03-2016 pursuant to Mines and Mineral (Development and Regulation) Amendment Act, 2015, which is in accordance with its policy decision and decision of the State Cabinet in the meeting held on 31-3-2016.

By order and in the name of the Governor of Goa.

Prasanna Acharya, Director & ex officio Joint Secretary (Mines & Geology).
Panaji, 13th April, 2016.



Department of Official Language

Directorate of Official Language



Order

6/15/2015/DOL/Adhoc Comm 2015-16/18

Sanction of the Government is hereby conveyed to constitute an institution under the name and style of "Goa Marathi Academy" under the Societies Registration Act, 1860 and stop forthwith the Government grant which was being released to Gomantak Marathi Academy and consequently the Government grants be released to the Goa Marathi Academy.

This issues with the approval of the Council of Ministers in the XXVIIIth Cabinet Meeting held on 31-3-2016.

By order and in the name of the Governor of Goa.

Dr. Prakash Vazrikar, Director & ex officio Joint Secretary (Official Language).
Panaji, 6th April, 2016.

Department of Science, Technology &
Environment

Notification

8-297-2016/STE-DIR/27

Government of Goa is pleased to frame the following scheme to provide financial assistance to such select rural Government and Government aided High Schools to assist them in upgrading their available science and related infrastructure/resources, so as to enable these institutions to avail and realize the benefit of the projects by Goa Information Technology professionals (GITP) for promotion of IT education in rural institutions.

2. Short title and commencement.— (i) This scheme shall be called as “Scheme for promotion of Information Technology and Science Education in Rural areas in the State of Goa, 2015” (hereinafter called as “the scheme”).

(ii) The scheme which provide financial assistance shall be initially applicable for the financial year 2016-17.

(iii) The scheme shall be implemented through the Department of Science, Technology & Environment (DSTE).

3. Objectives of the schemes.— (i) to provide support to the Institutions in rural areas to upgrade their available science and IT related resources;

(ii) to encourage rural Institutions to take up such science, IT and robotics related programmes which will form part of the educational co-curricular activities;

(iii) to help promote development of IT/Digital skills among school children as well as promotion of science education in schools;

(iv) to help establish foundational platform for imparting IT training in rural areas with science and technology related experiential learning; and

(v) to assist the Institutions identified for implementation of the promotion of IT education in schools project by GITP; with appropriate infrastructure to meet the training needs of this school project.

4. Scope of the scheme.— (i) The scheme envisages optimum resource utilization and laboratory equipments essential for providing laboratories facilities to facilitate conduct of programmes is basic computer programming, science & technology related experiential learning, robotics, etc. Under this scheme, the Institution shall upgrade its existing facilities in its computer laboratory as well as science laboratory, besides, provide for new need based scientific and computer related equipments in these laboratories.

(ii) Each selected Institution, in consultation with GITP, shall be eligible to procure science laboratory and computer related equipments viz.—

- (a) Desktop/Laptop personal computer,
- (b) Printer, Scanner, UPS/Inverter, web camera, etc.
- (c) Color LCD projector,
- (d) Digital camera,
- (e) Robotics micro computer, and
- (f) Science laboratory related equipments.

(iii) The select Institution will also be eligible to reimburse the cost of broadband internet facilities, training remuneration/honorarium and travelling allowances of experts/trainers etc.

5. Quantum of Financial Assistance under the scheme.— (i) Ten selected Government/ Government Aided Secondary Schools (Institutions) shall be eligible to avail one time financial assistance in the form of grant-in-aid for upgrading the infrastructure as per Clause 4 (ii) above, to the extent of Rs. 50,000/- (Rupees fifty thousand only) without any further recurring liability to the Government on this account.

(ii) The select Institutions will also be eligible to reimburse the amount spent towards the

provision of Clause 4 (iii) above, to the extent of Rs. 10,000/- (Rupees ten thousand only) per year for the first two years of this scheme.

6. Eligibility and selection of the Institutions under the scheme.— (i) A Committee headed by the Director/ex-officio Jt. Secretary (S&T) and comprising of Dy. Director of Education (Academics), two (02) members of GITP (to be nominated by the GITP) and two (02) experts in the field of science and computer engineering (to be nominated by the Government); shall examine the recommendations made by the GITP on the applications made by the Headmasters of the Institutions under this scheme.

(ii) The Committee shall select 10 schools for each year, during the period of the scheme.

(iii) The selection shall be based upon the criteria to be designed and evaluation carried out by the GITP members in consultation with the Committee constituted for the purpose. The Committee may frame its own procedure in this regard.

(iv) The Committee shall review the progress of the project in the Institution concerned and shall make recommendation for reimbursing the cost as per provision of Clause 4 (iii) of the scheme subject to maximum amount of Rs. 10,000/-.

(v) The Committee shall periodically review the scheme implementation in the Institution concerned and submit its recommendations to the Government for continuation of the scheme beyond two financial years and/or continuing the scheme in a particular Institution concerned for the second or subsequent year (in the event scheme is extended for a further period of time).

7. Pattern of Assistance of the scheme.— The following shall be the Pattern of Assistance governing the grant under the scheme:—

(i) An amount of Rs. 50,000/- (Rupees fifty thousand only) shall be sanctioned as per the terms and conditions of the scheme, to the Institution concerned, upon recommendation of the Committee constituted under Clause (6) above. An amount of Rs. 10,000/- shall be sanctioned to reimburse the cost as per Clause 4 (iii) above, based upon recommendation made by the Committee in this regard.

(ii) The grants shall be utilized exclusively for creating infrastructure and upgradation of existing Science Laboratory and Computer Laboratory facility/resources and for the purpose for which it is sanctioned.

(iii) The grant shall be disbursed/ /sanctioned in one installment to the Institutions concerned.

(iv) The entire amount of the grants should be utilized within a period of six months from the date of sanction order and only for the purpose for which it is sanctioned. Any portion of the grant, which is not ultimately required, will be refunded to the Government. After 'utilizing/refunding' the above sanctioned amount, an Utilization Certificate should be furnished to the sanctioning authority as required under form GFR-19A.

(v) The equipments purchased with the aid of the grant will vest with the Government. The Grantee Institution shall maintain a register of the permanent and semi-permanent assets created out of the grants. The register shall be maintained separately in respect of the grants sanctioned and an extract from the register shall be furnished to the Government annually with the audited accounts after the close of the financial year. A Register shall be maintained in terms of form GFR-40 and form GFR-41. Such assets shall not be disposed off, encumbered or utilized for purposes other than those for which the grant was given, without prior approval of the Government. Should the Grantee Institution cease to exist at any

time, such assets/properties shall revert to the Government.

(vi) The account of the Grantee Institution in respect of this grant should be audited by a Government approved Auditor/Chartered Accountant concerned immediately after the end of the financial year or on completion of six months for which the grant is sanctioned. The accounts of the grant shall be maintained separately and properly apart from its normal activities and submitted as and when required. They shall be open to a test check by the Comptroller and Auditor General of India at his discretion. In case of Government Institutions, the Headmasters of the Institution shall provide the statement of expenditure for utilization of the amount sanctioned.

(vii) The Audited statement of accounts showing the expenditure incurred by the Grantee from the grants should be furnished to the Committee constituted as per clause (6) of the scheme and Government as soon as possible after the close of the financial year/on completion of six months for which the grant is sanctioned together with a certificate from the Auditor to the effect that the grant was utilized for the purpose for which it was sanctioned. In case of Government Institutions, the Headmaster of the Institution shall provide the statement of expenditure for utilisation of the amount sanctioned.

(viii) A performance-cum-achievement report specifying in detail the achievements made by the Grantee with the Government grants/amount sanctioned should be furnished to the Department of Science, Technology and Environment (DSTE) as soon as possible.

(ix) No grant shall be allowed to be paid to any other institutions/voluntary organizations out of this grant sanctioned by the Government.

(x) The Grantee Institution must exercise reasonable economy, observe all financial propriety and the financial rules as issued by the Government from time to time while incurring the expenditure.

(xi) In case of misutilisation of grants, the amount so misutilised shall be recovered from the Grantee Institution.

(xii) The amount remaining unspent out of this one time grant shall be refunded back to the Government Treasury by challan within 03 (three) months from the close of the financial year concerned.

(xiii) The amount shall be drawn from the Directorate of Accounts on presentation of the bill in form GAR-32 duly countersigned by the Drawing and Disbursing Officer, Department of Science, Technology and Environment.

(xiv) In case of the Government Aided Institution, the expenditure shall be debitable to the Budget Head: 3425—Other Scientific Research; 60—Others; 800—Other Expenditure; 03—Promotion of Information System in Science & Technology (Plan); 31—Grant-in-aid and in case of the Government Institution, the amount shall be sanctioned and allotted to the Headmaster/DDO of the concerned Institutions under the Budget Head: 3425—Other Scientific Research; 60—Others; 800—Other Expenditure; 03—Promotion of Information System in Science and Technology (Plan); 50—Other Charges.

8. *Relaxation of the provision of the scheme.*—The Government shall be empowered to relax any or all clauses or conditions of the scheme in genuine cases for sanction of the grant:

Provided that such relaxation shall be granted upon the recommendation made by the Committee constituted under Clause (6) of this scheme, with prior concurrence of Finance (Expenditure) Department.

9. *Interpretation of the provision of this scheme.*— If any question arises regarding the interpretation of any clause, word, expression of the scheme, the decision about the interpretation shall lie with the Government and the decision in this regard shall be final and binding on all concerned.

10. *Redressal of Grievances and Dispute.*— Grievances or any dispute if any, arising out of implementation of this scheme shall be addressed to the Secretary to the Government in charge of Science & Technology, who shall hear and decide such matters and the decision of the Secretary to the Government in this regard shall be final and binding on all concerned.

This issues with the administrative approval of the Government vide U. O. No. 337 dated 8-10-2015 and concurrence of the Finance (Exp) Department vide U. O. No. 1400021195 dated 2-2-2016.

By order and in the name of the Governor of Goa.

Levinson J. Martins, Director & ex officio Jt. Secretary (ST&E).

Saligao, 11th April, 2016.



Department of Social Welfare

Directorate of Social Welfare



Notification

50-354-2002-03-HC/Part-II/106

Read: 50/354/2002-03-HC/Part-I/4247 dated 4th October, 2014.

The Government of Goa has approved the amendment to Dayanand Social Security Scheme (DSSS) and request to publish the same

in Official Gazette for general information of public. The Notification shall come into force from the publication in the Official Gazette.

1. *Short title, commencement and applicability.*— (i) These rules shall be called Goa Dayanand Social Security Scheme (Amendment) Rules, 2016.

(ii) They shall come into force w.e.f. publication of Notification in the Official Gazette.

(iii) They shall be applicable throughout the State of Goa.

In application procedure sub point (vi) attested copy of Ration Card stands withdrawn.

In rule 5 General condition after point 5 (vi), 5 (vii), 5 (viii) will be added and read as:—

5 (vii) in case of disabled and HIV positive children financial assistance will be extended even if the parents are availing DSSS or Griha Aadhar.

5 (viii) Disabled people who was availing DSSS benefit will be continued even after his/her marriage with disabled who is also DSSS beneficiary subject to the condition that they have not availed gainful employment.

In 'Appendix-I' point No. 8 stands withdrawn, in point No. 18C (ix) shall be substituted as (ix) certificate of legal guardianship in case of mentally retarded issued by competent authority only if guardian is other than parent.

'Annexure D' will be substituted with new 'Annexure D' by incorporating contact No., Aadhar No., Panchayat, Bank details and category of disabled.

Meena H. N. Goltekar, Director (Social Welfare).

Panaji, 7th April, 2016.

LIFE CERTIFICATE

ANNEXURE-D

PART-(A)

Affix photograph
attested by a
Gazetted Officer not
below the rank of
Additional Secretary
of the Goa State
Government/MLA/
/MP/Bank Manager

DSSS Sanction Number:

Name of the beneficiary:

Full Address:

Contact No.: Panchayat/Municipality:

Aadhar Number: Constituency:

Bank Name and Branch: Taluka:

Account number: Caste: SC/ST/OBC/General:

Whether holding Disabled/Senior Citizen card: (Yes/No)

Disabled Category: HI/VI/Mental Retardation/Mental Illness/Locomotors Disability or Cerebral Palsy/
/Autism/Disability due to Neurological disorder.

Status: BPL/APL

Signature/LHT of beneficiary with date

(To be signed in presence of the Gazetted Officer not below the rank of Additional Secretary of the Goa State
Government/MLA/MP/Concerned Bank Manager)

PART-(B)

(To be signed by the Gazetted Officer not below the rank of Additional Secretary of the Goa State
Government/MLA/MP/Concerned Bank Manager)

I, Shri/Smt. do hereby certify that I personally
know Shri/Smt.
r/o the beneficiary of DAYANAND SOCIAL SECURITY
SCHEME and Shri/Smt. is alive as on
day of of the year

The beneficiary has signed the above Part "A" of the certificate in my presence.

Name of the Officer:

Designation:

Signature with date along with Official Stamp:

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